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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 598/2019**

SUMIT AGGARWAL

..... Petitioner

Through: Mr. B.S. Rana and Mr. Amit
Sharma, Advocates

Versus

THE STATE

..... Respondent

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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08.03.2019

Crl.M.A. 5104/2019 (Exemption)

Allowed, subject to all just exceptions.

BAIL APPLN. 598/2019

Pre-arrest bail is sought by petitioner in FIR No. 43/2019, under Sections 376/506 of IPC, registered at police station Nabi Karim, Delhi while claiming that the relationship between petitioner and prosecutrix was consensual.

Learned counsel for petitioner has drawn the attention of this Court to the whatsapp messages between petitioner and prosecutrix and to the photographs in support of above stand. Reliance is placed by Petitioner's counsel upon order of a Coordinate Bench of this Court in *Jagdish Nautiyal Vs. State* 2013(1) JCC 311 to submit that even if the consent of

complainant was obtained by misrepresentation under the guise of marriage, still it is not a case for custodial interrogation.

Learned Additional Public Prosecutor for respondent-State opposes this application on the ground that offence committed by petitioner is heinous one and from the whatsapp messages, it is clear that petitioner had obtained consent of prosecutrix by misrepresentation. It is also submitted that prosecutrix had made a complaint to the local police that petitioner had extended threats to her on 26th February, 2019 after petitioner's bail application was dismissed by the court below.

Upon hearing, I find that it is not a fit case for grant of pre-arrest bail, as the allegations levelled against petitioner are of serious nature and because petitioner has been extending threats to the prosecutrix.

Accordingly, this bail application is dismissed, while not commenting upon the merits of this case.

(SUNIL GAUR)
JUDGE

MARCH 08, 2019

p'ma