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

% Judgment delivered on: 03.07.2019

+ BAIL APPLN. 1230/2019

SANJAY

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr.Surya Nath Pandey, Adv.

For the Respondent : Mr.Amit Chadha, Addl. PP for the State with
SI Anita, P.S.Rajouri Garden.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.145/2019 under Section 376 IPC, Police Station Rajouri Garden.

2. Subject FIR was registered on a complaint given on 10.04.2019. It is alleged that about three years prior to the making of the complaint, prosecutrix was going to the market for some work, when the petitioner came in his car and told her that he would drop her to the market. It is alleged that the cousin brother of the petitioner also sat in the car despite protests by the prosecutrix. When they reached the market they offered her a cold drink. On drinking which she lost her conscience and when she regained her senses she realized

that something bad action had been done to her. When she confronted the petitioner, it is alleged, that he stated that he had made a video and threatened her that if she protested or made a complaint he would make the video public.

3. It is alleged that thereafter also by threatening her with regard to the video, he continued to make physical relations with her. It is alleged that on 02.10.2017 he scared her and she agreed to move in a live in relationship with him. It is further alleged that she got to know that he was married but he promised that he would divorce his first wife and marry her.

4. It is alleged that on the false promise to marry and also on the false assurance that he would divorce his wife he continued to make physical relations with her and they continued to live together. It is further alleged that twice she conceived and the pregnancy was got aborted by the petitioner.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated. He submits that the relationship between the parties was consensual. He further contends that the prosecutrix was well aware that petitioner was already married and she moved into the live in relationship with him on 26.10.2017. It is contended that after she moved in the wife of the petitioner left her matrimonial house.

6. Learned counsel submits that the prosecutrix as well as the petitioner jointly filed a petition before this Court being W.P (Crl)

No.463/2018 titled Sanjay Kumar & Anr vs. State NCT of Delhi & Anr seeking protection from the family of the prosecutrix.

7. It is submitted that on 21.02.2018 the petitioner, the prosecutrix, parents of the prosecutrix and the wife of the petitioner were present in Court and their statement was recorded by this Court on 21.02.2018.

8. Learned counsel submits that order dated 21.02.2018 specifically records that the Court had discussed the issues with the parties. It is submitted that no complaint was made by the prosecutrix before the Court and none of the allegations as have been stated in the FIR were brought to the notice of the Court.

9. Learned counsel further submits that there is an unexplained delay of over two years in making the complaint and he further submits that the prosecutrix had appeared before this Court in the said writ petition on 21.02.2018 and subject complaint has been filed on 10.04.2019 after nearly one year and two months.

10. Learned counsel appearing for the prosecutrix submits that there is an apprehension that in case the petitioner was to be released on bail, he may take coercive action against the prosecutrix or her family.

11. Without commenting on the merits of the case, I am satisfied that petitioner has made out a case for grant of regular bail.

12. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court, the petitioner shall be released on bail, if not required in any other case. Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses. Petitioner shall not leave the country without the permission of the Trial Court.

13. The IO is directed to provide her personal contact number to the prosecutrix to enable the prosecutrix to contact her in case there is any issue.

14. Petition is allowed in the above terms.

15. Order *Dasti* under signatures of the Court Master.

JULY 03, 2019/rk

SANJEEV SACHDEVA, J