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

+ **BAIL APPLN. 2158/2019**

HIMANSHU TOMAR

..... Petitioner

Through: Mr Viraj R. Datar, Mr Rajeev Sirohi
and Ms Meenal Duggal, Advocates.

versus

STATE

..... Respondent

Through: Mr Amit Gupta, APP for State with
SI Harpal Singh, PS Pahar Ganj.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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29.08.2019

CRL.M.A. 34545/2019

1. Allowed, subject to all just exceptions.

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2. Issue notice. The learned APP appearing for the state accepts notice.

3. The petitioner has filed the present petition praying that he be released on bail in the event he is arrested in connection with FIR No.0240/2019 under Section 376 of the Indian Penal Code, 1860 registered with PS Paharganj.

4. It is an admitted case that the petitioner and the complainant were in a live-in relationship from April, 2018 onwards. It is the complainant's case that in the year 2016, she joined a company named "Company Signature" at Lajpat Nagar, where the petitioner was already working as a Manager. It is stated by the complainant that while working in the same office, they became friendly with each other. The complainant has alleged that the

petitioner thereafter confessed his love for the complainant and also his wish to marry the complainant. The complainant claimed that thereafter, both of them (the complainant and the petitioner) left the said office and joined another company named “Holiday World Asia” situated at Ansal tower, Nehru Place. The complainant has further alleged that in April, 2017 the petitioner took her to a hotel at Paharganj, where they engaged in physical relationship. The complainant alleges that the same was done without her consent but thereafter, the petitioner had assured the complainant that he would marry her. It is further stated by the complainant that she got pregnant and later she had an abortion.

5. The complainant has claimed that thereafter, she and the petitioner took a new job in Ludhiana, Punjab and they were living together in Ludhiana from April, 2018 till April, 2019. It is stated that thereafter, the petitioner and the complainant shifted to Gwalior and continued to live together from June, 2019 onwards at Gwalior. It is seen from the above that the complainant has alleged that she had a close relationship with the petitioner for almost two years.

6. It is alleged by the complainant that the petitioner has repeatedly given false assurances of marriage to the complainant and, on the pretext of it, has continued to make physical relations with her during the period April, 2017 to July, 2019.

7. The complainant states that after 30.07.2019, there has been no contact between her and the petitioner. She alleges that the petitioner told her that the petitioner has gotten engaged and he does not wish to maintain any contact with the complainant.

8. The petitioner states that he had never made any promise to marry the complainant. He also states that the complainant continued to maintain a profile on a matrimonial website even when the parties were in a relationship.

9. At this stage, it is not necessary to examine the evidence or material produced by the complainant in detail. However, considering the profile of the complainant it, *prima facie*, appears difficult to accept that the relationship between the petitioner and the complainant was established contrary to the will of the parties.

10. In view of the above, the present petition is allowed. No coercive steps would be taken against the petitioner subject to the petitioner submitting a personal bond in the sum of ₹25,000/- and one surety of an equivalent amount to the satisfaction of the concerned SHO. The petitioner shall also not leave the territory of Delhi/NCR without due permission of the concerned SHO. The petitioner shall also ensure that his contact number is provided to the IO concerned and the same is operational at all times. The petitioner shall also not try and contact the complainant.

11. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

AUGUST 29, 2019
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