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

+ **BAIL APPLN. 2473/2019**

SURENDER KUMAR MUKHIYA

..... Petitioner

Through: Mr. Gautam Panjwani and Mr. Gagan
Gupta, Advs.

versus

STATE

..... Respondent

Through: Mr.Panna Lal Sharma, APP for State
ASI Ram Lakhan, PS – Roop Nagar

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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01.10.2019

Vide the present bail application, the applicant/ accused seeks bail in FIR No. 64/2019 dated 11.05.2019 registered at Police Station – Roop Nagar, District North for the offence punishable under Section 376 IPC

As stated in the present petition, the prosecutrix is a married woman who got married to Sh. Akhilesh in the year 2014 and started living with her husband at Shakti Nagar.

The prosecutrix met the applicant sometime in January 2017 through her husband who was friend of the applicant. The applicant entered into a physical relationship with the prosecutrix firstly in the month of June 2017 on the pretext of getting married to her. Prosecutrix believing the applicant also filed a divorce petition against her husband Sh. Akhilesh with the intention to get married to the applicant. However on 09.05.2009, the prosecutrix discovered that the applicant already got married on 08.03.2019 subsequent to which the present F.I.R was lodged on 11.05.2019.

Learned counsel appearing on behalf of the applicant submits that there is not even a single document filed by the Prosecution to corroborate that there was any physical relation between the parties. Divorce petition filed by the complainant has been decreed by the Family Court.

Moreover, there are major contradictions of the facts mentioned in her statement recorded U/S 161, 164, Cr.P.C & in her original *Rukka* recorded on 11.05.2019 and the conviction in the present matter is highly improbable.

In addition to above, the prosecutrix refused to undergo a medical examination which shows that no offence has been committed on the complainant by the applicant.

On the last date of hearing, learned counsel appearing on behalf of the applicant, on instructions, orally submitted that the prosecutrix after lodging the FIR is in touch with the applicant and visits him in jail.

In view of the above, learned APP was directed to verify the fact of the meetings of the prosecutrix with the applicant and as per the report of the Superintendent, Central Jail No. 1, Tihar, New Delhi dated 01.10.2019, the same has been found correct.

In view of the above, the applicant shall be released on bail on personal bond in the sum of ₹10,000/- with one surety of the like amount to the satisfaction of the Trial Court.

The present bail application is accordingly disposed of.

Order *dasti* under signatures of the Court Master.

SURESH KUMAR KAIT, J

OCTOBER 01, 2019/PB