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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2546/2018**

SAURABH TAYAL

..... Petitioner

Through: Mr. Ramesh Gupta, Senior
Advocate with Mr. Sunil Goyal
& Mr. Vikram Gujral,
Advocates

versus

THE STATE (GOVT OF NCT OF DELHI).... Respondent

Through: Mr.Ashish Dutta, APP

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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08.07.2019

1. This is an application under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The brief facts of the case are that, on 26.4.2018, the complainant lodged a complaint with the PS:Anand Vihar, Delhi, stating that she used to work as a maid servant in the house of the petitioner. The complainant alleged that, on 28.5.2014, on the day of her birthday, the petitioner came to her room and presented her a gift and, thereafter, without her consent and against her will, forcibly made physical relations with her, on the pretext of marrying her. Thereafter, the petitioner used to make physical relations with the complainant, whenever she was alone at home, without her consent and against her will. The petitioner administered some medicine to

the complainant to cause miscarriage, because of which she remained unwell for a number of days. The complainant became pregnant in November, 2015 and the petitioner took her to a doctor, where the doctor refused to abort the pregnancy, as in his opinion, it would be dangerous to the life of the complainant. The complainant gave birth to a girl child on 30.7.2016 and requested the petitioner to marry her, but the petitioner kept on avoiding the question of marriage, and, in the meantime, the petitioner continuously made physical relations with the complainant. Finding no way out, the complainant met the father of the petitioner on 3.5.2017 and he, too, threatened her and asked her to keep quiet. Further, on 15.5.2017, both the petitioner and his father forcibly took the complainant to the Court and made her sign some papers. They also gave Rs.1,00,000/- to the complainant for the upbringing of the child. The petitioner also promised the complainant to marry her within a year. However, the complainant received no response from the petitioner. The complainant went to the house of the petitioner, where she was threatened not to come again, otherwise she would be killed. Upon this, FIR No.143/2018, under Sections 376/313/509/506 of the Indian Penal Code, 1860 was registered.

3. The learned APP submitted that the prosecutrix has already been examined and there is no other public witness, which is required to be examined.

4. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated and is in judicial custody since 27.4.2018. Learned counsel for the petitioner further submitted that the petitioner is having no other criminal antecedents and thus, he may be released on bail.

5. In view of the above facts and circumstances, without commenting on the merits, and taking into consideration the submission of the learned counsel for the petitioner that the petitioner has no other criminal antecedents and the submission of the learned APP that no other public witness is required to be examined and also the fact that the petitioner has been in custody since 27.4.2018 and no fruitful purpose would be served by keeping him in custody, I deem it appropriate that the petitioner be released on bail, if not required in any other case, subject to his furnishing a personal bond in the sum of Rs.25,000/-, with one surety of the like amount to the satisfaction of the Trial Court and subject to the conditions that the petitioner shall not, in any manner, contact, coerce or threaten the complainant or her relatives and shall not leave the country without the permission of the Court. In case such a complaint is received, the prosecution may move an appropriate application for passing appropriate orders.

6. The bail application is disposed of in the above terms.

CHANDER SHEKHAR, J

JULY 08, 2019

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