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

+ **BAIL APPLN. 2586/2018**

JATIN

..... Petitioner

Through: Mr. Ankit Rai and Mr. Abhishek Sharma,
Advocates

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP for State
with SI Nisha

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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11.01.2019

Allegations have been made against the petitioner in case (FIR no.288/2018) of the police station Patel Nagar involving offences punishable under Sections 328, 376, 506, 354 IPC. The prosecutrix is a married woman with a family that includes a child. She has alleged that the petitioner had engaged her in friendship and under that cover had started visiting her house and later pressurised her to marry him which she would repel. She has alleged an incident of May 2018 in the night time when the petitioner allegedly came to her house and subjected her to sexual intercourse without her consent after administering some intoxicating substance in a soft drink and also having recorded the incident on video on his mobile phone

instrument. The petitioner's explanation, on the other hand, has been that he and the prosecutrix have been involved in an affair, she having been a consenting companion to him throughout and having even visited and stayed in a hotel with him out of her own free volition. Status report dated 07.01.2019 submitted by SHO of the police station Patel Nagar indicates that the claim of the petitioner that the prosecutrix had stayed in a hotel room with the petitioner on 18.09.2017 has been verified and confirmed.

Having regard to the facts and circumstances, a case for release of the applicant on anticipatory bail is made out.

Thus, it is directed that in the event of the petitioner being arrested, he shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs.10,000/- with one surety in the like amount subject to the following further conditions:-

- (i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer; and
- (iv) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

This order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

The petition stands disposed of in above terms.

Dasti under hte signatures of the Court Master.

R.K.GAUBA, J.

JANUARY 11, 2019

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BAIL APPLN. 2586/2018

page 3 of 3