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

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Judgment delivered on: 03.05.2019

+ BAIL APPLN. 2714/2018

DINESH GAUTAM

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Nakul Gupta, Advocate.

For the Respondent : Ms. Kusum Dhalla, APP for the State.
SI Arti Singh, PS Hauz Khas.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No.139/2018, U/S. 376/377/506/34 Indian Penal Code, 1860, P.S. Hauz Qazi.
2. The allegations in the FIR are that the petitioner came in contact with the complainant in the year 2014 and thereafter is alleged to have made physical relations forcibly. It is alleged that petitioner used to take the prosecutrix to his house and would send his children out of the house and then forcibly make physical relationship.
3. Learned counsel for the petitioner submits that the petitioner

has been falsely implicated and subject FIR has been registered as the complainant wanted to exhort money. He submits that there is an unexplained delay of over four years in lodging the complaint and apart from the oral statement there is nothing to substantiate any allegation. He submits that the prosecutrix used to voluntarily visit the house of the petitioner as she wanted to marry the petitioner after obtaining divorce from her husband.

4. By order dated 19.11.2018, petitioner was granted interim protection subject to joining investigation.

5. Learned APP for the State, under instructions from the Investigating Officer, submits that the investigation is complete and there is no further requirement of the petitioner to join investigation.

6. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances of the case, I am satisfied that the petitioner has made out a case for grant of anticipatory bail.

7. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on his furnishing a bail bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioner shall not do anything which may prejudice the investigation, trial or prosecution witnesses. Petitioner shall join the investigation as and when so required by the Investigating officer. Petitioner shall not leave the country without

the permission of the Trial Court. Petitioner shall surrender his passport, if any, to the Investigating Officer, if not already done so.

8. Petition is allowed in the above terms.

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

MAY 03, 2019
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SANJEEV SACHDEVA, J

