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

+ **BAIL APPLN. 137/2020**

SOURABH SHARMA

..... Petitioner

Through Mr G.B. Sewak, Mr Rajkumar Tomar,
Advocates.

versus

STATE

..... Respondent

Through Mr Amit Gupta, APP for state.
W/PSI Manisha, P.S. Preet Vihar,

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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20.01.2020

CRL.M.A. 1113/2020

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

BAIL APPLN. 137/2020

3. Issue notice. Mr Amit Gupta, learned APP accepts notice.
4. The petitioner has filed the present petition, *inter alia*, praying for anticipatory bail in connection with FIR No. 206/2019 under Sections 376/506 of the IPC registered with PS Preet Vihar.
5. The complainant has alleged that the petitioner had induced her on a false promise of marriage and established physical relationship with her in September, 2018. She stated that they continued to have physical relationships and they last established physical relationships on 19.08.2019.

6. She states that, thereafter, the petitioner resiled from his promise of marriage.
7. It is stated that the petitioner is aged about twenty-nine years of age and the complainant is aged about forty years of age and is a mother of two children. It is stated that the allegations made against the petitioner are false.
8. It is apparent from the aforementioned FIR that the allegations made by the complainant is of the petitioner establishing physical relations with her for an extended period of time. Admittedly, such relations were established with her consent. The allegation that such consent is vitiated as being induced by a false promise of marriage, may be sustainable if it is established that such consent was induced and at the given moment and there was an element of exploitation on the part of the accused. An allegation that repeated acts of physical intimacy over a period of time, were induced on a false promise of marriage and not on account of affection, is difficult to sustain.
9. Considering the facts and circumstances of this case, this Court considers it apposite to allow the present petition.
10. The petitioner is granted anticipatory bail subject to his furnishing a personal bond in the sum of ₹10,000/- with one surety of the equivalent amount to the satisfaction of the Investigating Officer. This is also subject to the petitioner joining the investigation forthwith.
11. The petition is allowed in the aforesaid terms.
12. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

JANUARY 20, 2020/pkv