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

+ **BAIL APPLN. 194/2020**

SAURABH PANDEY @ VIPIN Petitioner
Through **Mr. Ashish Rai, Adv.**

versus

THE STATE (GOVT. OF NCT, DELHI) Respondent
Through **Mr. Hirein Sharma, APP for State**
SI Mahender Singh, W/SI Sheela, PS
Paharganj

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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14.02.2020

Vide the present petition, the petitioner seeks anticipatory bail in the event of his arrest in FIR No. 348/2019 registered at Police Station – Paharganj for the offence punishable under Section 376 IPC.

Case of the prosecution is based upon the complaint made by the complainant alleging therein that her parents got her married with Bablu Sharma by social customs in the year 2015 but she got divorced from Bablu Sharma in year 2016 because he was an alcoholic and used to beat her a lot.

She has a 4-year-old daughter who lives with her. She went to stay at her uncle's [Mama] house in Lucknow in January 2019, where petitioner herein, had come to her uncle's house to worship. They became familiar and subsequently, they exchanged their phone numbers and started talking to each other.

In May 2019, she came to Delhi to reside at her parental home and petitioner and complainant were still in touch with each other.

On 13.06. 2019, petitioner came to Delhi and complainant met him at the Orient Place Guest House, Paharganj, Delhi. At that hotel, petitioner made physical relations with complainant by promising her marriage. Petitioner had gone back to his village on 16.06.2019, however, they continued chatting over phone. On 19.11.2019, petitioner came to Delhi to meet complainant and he called her to meet him in the same hotel and then kept her in the same hotel for five consecutive days from 19.11.2019 to 23.11.2019. Thereafter, 28.11.2019 onwards, petitioner refused to marry complainant and his phone was switched off.

It is submitted by learned APP that petitioner by making false promises of marriage has exploited her physically.

Fact remains that prosecutrix is married and has one child from the wedlock and till date, no divorce has taken place from her husband. Then, where was the question of false promise of marriage.

However, without commenting upon the prosecution case, I am of the view that petitioner deserves anticipatory bail.

Accordingly, the SHO/ Arresting Officer/IO concerned, is hereby directed that in the event of arrest, petitioner/applicant be released on bail on the following terms and conditions:-

(i) Petitioner shall furnish a personal bond in the sum of ₹25,000/- with one surety in the like amount subject to the satisfaction of Arresting Officer/SHO/IO concerned;

(ii) Petitioner shall cooperate with the investigation and make himself available for interrogation by police officer, as and when required;

In case of default of aforementioned conditions, State is at liberty to take appropriate recourse in accordance with law.

Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on merits of the case.

Application stands disposed of.

SURESH KUMAR KAIT, J

FEBRUARY 14, 2020

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