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

+ **BAIL APPLN. 220/2020**

DILIP YADAV

..... Petitioner

Through: Mr. Sanjeev Kr. Baliyan and Mr.
A.K. Azad, Advocates

versus

STATE

..... Respondent

Through: Mr. Amit Chadha, APP with IO/SI
Kiran Sethi, Spl. Cell, P.S. Ranjeet
Nagar

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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07.02.2020

The present petition is filed under Section 439 Cr.P.C. for grant of bail in FIR No. 130/2017 registered at P.S. Ranjit Nagar for offences punishable under Section 376/506/354-D/384 IPC.

As per FIR, complainant met with petitioner for the first time on 19.03.2016 at Rajendra Place and after that they met many times. In between they shared an intimate relation and on one such occasion, they got intimate at the house of petitioner in the last week of March 2016 in a room situated on ground floor at Anand Parbat. In between their intimate acts, he clicked vulgar pictures of complainant and saved them in his phone. She requested him to delete the pictures from his phone, however, he kept those pictures in his phone and started blackmailing her.

From time to time he demanded the gold amount from her and after

refusing he threatened to leak photographs and threatened to show the same to the members of her family. She had given an amount of Rs.25,000/- to him at Patel Nagar, Delhi, which transaction was carried out by the complainant using her father's ATM card. Later the petitioner himself withdrew an amount of Rs.10,000/- using the abovementioned card. Further she also gave him more money and twice she gave him ₹5,000/-. Before going to village, she also gave to petitioner an amount of ₹12,000/-.

In addition to above, she had given gold pendant to him, which he had sold in Anand Parbat alongwith his friend namely Paras and after that they demanded one *Mangalsutra* and one pair of footwear which he wanted to sell. However, the petitioner told the complainant that the abovesaid articles were lost and told her to transfer an amount of ₹9,000/- in the bank account of his mother and she had transferred the same. The complainant on several such occasions, kept giving him money of which she has no record.

After that he demanded new phone from her because his old phone was lost and for which he had demanded an amount of Rs.70,000/- from her. The petitioner himself withdrew Rs.70,000/- using her father's ATM card. The petitioner also has in his custody a gold locket which was given by the complainant. further he again demanded an amount of ₹25,000/- but she only gave ₹5,000/- and denied to give the rest following which he made physical relations with her without her consent.

Learned APP has opposed the present application and submits that petitioner/accused not only had physical relationship without her consent, but also misappropriated amount and gold items mentioned above. Thus, there are serious allegations against petitioner and present application deserves to be dismissed.

Fact remains that as admitted, she had established intimate relations many times with her own consent. Further she herself stated that she had stolen the ATM card of her father and paid the amount mentioned above on various occasions. However, the fact remains that if the said amount is withdrawn without the knowledge of father of the prosecutrix, then he would have stopped the ATM, which is not the case of the prosecution.

In addition to the above, the petitioner is in judicial custody since 02.04.2017. Prosecutrix and her parents have already been examined. Trial will take substantial time.

Accordingly, petitioner shall be released on bail on 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. Petitioner shall not influence the witnesses in any manner during trial.

In view of the above, the petition is allowed and disposed of.

Order dasti under signatures of the Court Master.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for necessary compliance.

SURESH KUMAR KAIT, J

FEBRUARY 07, 2020

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