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

+ **BAIL APPLN. 411/2020**

FIROZ

..... Petitioner

Through Mr.Vivek Aggarwal, Adv.

versus

THE STATE

..... Respondent

Through Mr. Hirein Sharma, APP for State.
SI Renu PS Bhajanpura.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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12.02.2020

Crl. M.A. 3147/2020

Allowed, subject to all just exceptions.

Application is disposed of.

Bail Appln.411/2020

The present petition is filed under section 438 Cr.P.C. for grant of anticipatory bail in pursuance to FIR No.620/2019 registered at Police Station Bhajan Pura for the offences punishable under sections 376/506 IPC.

As per the prosecution case, in the village of prosecutrix, one neighbour namely Firoz (petitioner herein) was residing and she used to talk with said boy on phone after shifting to Delhi. After three years, the said friendship developed into love. Two years ago petitioner visited Delhi and called her on the Flat of his friend at Subhash Mohalla and forcibly made physical relations with her on promise of marriage. Thereafter, petitioner

started coming to Delhi and made physical relations with her on several occasions. She used to call petitioner from her mobile No.9354996236 to his mobile No. 8851439178 regularly and approximately 4 months ago, petitioner disclosed that he was in possession of her obscene video and if she pressurize him for marriage then he will circulate the said video on internet. Due to honour, reputation and prestige of her family, she kept quiet but from the last four months, petitioner neither picked up her phone nor talked to her.

Learned APP has opposed the present petition and submits that phone of petitioner is still to be recovered, therefore, custodial interrogation is required in the present case.

Keeping in view the fact that age of the prosecutrix was 21 years on the date of alleged incident and she herself called the petitioner and had physical relations with him, however, without commenting upon the merits of the case, this Court is of the considered opinion that petitioner deserves anticipatory bail. The IO concerned is hereby directed that in the event of arrest, the petitioner/ applicant be released on bail on the following terms and conditions:-

- (i) That the petitioner shall furnish a personal bond in the sum of ₹25,000/- with one surety in the like amount subject to the satisfaction of IO concerned;
- (ii) That the petitioner shall cooperate with the investigation and make himself available for interrogation by police officer, as and when required;
- (iii) That the petitioner shall hand over his phone to the IO and thereafter IO may send it to FSL for examination.

In case of default of aforementioned conditions, the 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 the merits of the case.

Application stands allowed and disposed of.

Order dasti under signatures of the Court Master.

SURESH KUMAR KAIT, J

FEBRUARY 12, 2020

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