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

+ **BAIL APPLN. 557/2020**

MOHD ISLAM

..... Petitioner

Through

Mr. Pramod Kumar, Mr. Shyam
Kumar & Mr. Rawin Rao, Advs.

versus

STATE

..... Respondent

Through

Mr. Hirein Sharma, APP for State with
SI Esthn Dazi Duo, PS Seelampur

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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26.02.2020

Crl. M.A.4238/2020 (for exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

BAIL APPLN. 557/2020

The present petition has been filed by petitioner for grant of anticipatory bail in FIR No.38/2020 for offences punishable under Sections 376/506 IPC registered at Police Station Seelampur, Delhi.

Case of prosecution is that prosecutrix is aged about 35 years old and got married 20 years ago. Her husband is a habitual drinker and he does not provide her money for household expenses, therefore, she started working at Balaji Kohinoor Nursing Home as Sweeper since 2007 where she met the petitioner. After many months conversations, he made physical relations with her and warned her that if she disclosed this to anyone, her job would be terminated.

After termination from Balaji Kohinoor Nursing Home, petitioner started staying at the matrimonial home of prosecutrix between the period of 2008 and 2009 where he continued to make physical relations with her on the pretext of marriage home and also used to take her salary. Petitioner has been threatening her that if she makes any complaint regarding money or physical relations then he would get her beaten by his friends.

It is not in dispute that prosecutrix, who is 35 years old married and having children, despite that she had physical relations with petitioner on promise of marriage which cannot be believed.

However, without commenting on merits of case and keeping in view the facts and circumstances of the case, this Court is of the considered view that the present case is fit for anticipatory bail. The SHO/ Arresting Officer/IO concerned, is hereby directed that in the event of arrest, petitioner/ applicant shall be released on bail on the following terms and conditions:-

(i) Petitioner shall furnish a personal bond in the sum of ₹10,000/- 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, 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.

Petition stands allowed and disposed of.

Order dasti under signatures of the Court Master.

Copy of this order be transmitted to SHO/IO concerned for necessary compliance.

SURESH KUMAR KAIT, J

FEBRUARY 26, 2020/rk