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

+ **BAIL APPLN 881/2020**

AMIT SINGH

..... Petitioner

Through: **Mr.Amit Nahata, Advocate.**

versus

STATE

..... Respondent

Through: **Ms.Aasha Tiwari, APP for State.
Ms.Inderjeet Sidhu, Advocate for
complainant.**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

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01.06.2020

1. The present bail application has been filed on behalf of the petitioner seeking regular bail in FIR No.0057/2020, registered under Section 376 IPC at Police Station K.N. Katju Marg, Delhi.
2. Learned counsel for the petitioner submits that the complainant is aged about 32 years and as per the allegations made in the FIR, she got in touch with the petitioner three years prior to the registration of the FIR. It has been alleged that the petitioner befriended her and on the pretext of marriage, made physical relations against her will which were continued from time to time not only at the house of the petitioner, but at the house of the prosecutrix as well. Ld. Counsel has also placed reliance on the photograph annexed alongwith the application to urge that the petitioner and

the prosecutrix were known to each other for more than 5 years. He has placed on record travel tickets to submit that the petitioner had travelled to his hometown in U.P. on 04.02.2020. He further submits that the petitioner came back to Delhi on 22.02.2020 and the prosecutrix came to his house on 23.02.2020 where a quarrel took place between them and the matter was reported to the Police. The petitioner's sister received injuries. Subsequently, the parties were taken to the Police Station Shahbad Dairy, Delhi. Learned counsel for the petitioner has also submitted that the FIR has been registered after a delay of 20 days and during the investigation, the prosecutrix refused her internal medical examination.

3. Per contra, learned APP for the State, duly assisted by the learned counsel for the complainant submits that the incident is spread over a period of three years and it has been mentioned in the complaint that the physical relations were made against the will of the prosecutrix. A Status Report has been forwarded through e-mail and placed on record in which the aforesaid incident of quarrel that took place in petitioner's house on 23.02.2020 has been verified. It has been stated that initially DD entry No.42A was recorded in the Police Station Shahbad Dairy wherein it was reported that the prosecutrix had gone to the house of the petitioner and a quarrel ensued between the prosecutrix on one hand and the petitioner and his family members on the other hand. It has also been stated that the aforesaid incident resulted into a settlement which was recorded between the parties and signed by all of them. During investigation, Section 323 IPC was also added and charge sheet has been filed.

4. I have heard the learned counsel for the parties and gone through the records.

5. The physical relationship between the parties were consensual albeit alleged to be on a promise to marry. Allegedly, the relationship continued for a period of 3 years during which physical relations were continuously made.

6. The prosecutrix, aged about 32 years is working as a makeup artist and the last of such incident is stated to have taken place 20 days prior to the registration of the aforesaid FIR whereafter the prosecutrix had gone to the house of the petitioner which resulted into a quarrel and reporting of the matter to the Police. The prosecutrix did not allege any incident of rape on the aforesaid date. The present FIR was registered two days after the aforesaid incident.

7. In view of the totality of facts and circumstances, the petitioner is admitted to bail on his furnishing a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Jail Superintendent. In view of the COVID-19 pandemic, resolution dated 07.04.2020 of the 'High Powered Committee' and the consequent order dated 09.04.2020 passed by the Division Bench of this Court in W.P.(CRL.) 779/2020 titled as "Court Of Its Motion v. State", the requirement of furnishing a surety bond is dispensed with at this stage. Further, grant of bail to the petitioner is subject to the following conditions:-

(i) The petitioner will provide his mobile telephone number to the IO/SHO/SI Rita (Mob-9873512154), PS. K.N. Katju Marg, Delhi, which he undertakes to keep operational at all times during the pendency of the trial.

(ii) The petitioner shall remain in touch on telephone with the concerned SHO/I.O./SI Rita (Mob-9873512154) on the first Monday of every month during the period of lockdown and thereafter shall appear before the

concerned SHO/I.O./SI.

(iii) The petitioner will not directly or indirectly get in touch with the prosecutrix or any other prosecution witnesses and shall not try to tamper with the evidence.

(iv) The petitioner will not leave the jurisdiction of NCR of Delhi without prior intimation to the concerned IO/SHO.

(v) In case of change of mobile number and residential address, the petitioner will bring the same to the notice of the concerned IO/SHO as well the trial court.

(vi) The petitioner shall regularly appear before the trial court.

8. The bail application is disposed of accordingly.

9. A copy of this order be communicated to the concerned Jail Superintendent for information and necessary compliance.

MANOJ KUMAR OHRI, J

June 01, 2020

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