

\$~5

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

+ **BAIL APPLN. 1346/2020**

SUNDESHWAR RAM

..... Petitioner

Through: Mr Rahul Sharma, and Ms Abhilasha
Shrawat, Advocates.

versus

STATE

..... Respondent

Through: Mr Amit Gupta, APP for State with
SI Richa Sharma, PS Punjabi Bagh
along with complainant in person.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

03.07.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, praying that the petitioner be released on bail in connection with FIR No.0093/2020 under Section 376/323/506 IPC registered with PS Punjabi Bagh.
2. The said FIR was registered at the instance of a woman aged about 26 years (hereafter referred to as 'complainant'). She had alleged that the petitioner had contacted her and on the pretext of arranging employment had brought her from her house and kept her at a house (House No.WZ-430, Madipur Village, Punjabi Bagh). She had further alleged that whenever she enquired about her employment, he told her that he liked her and would get married to her. She stated that whenever she reminded him for getting married, he used to beat her and abuse her. She has also made an allegation

that he had established physical relationship against her wishes.

3. A plain reading of the FIR indicates that it is very economical in narrating specific instances and details of the alleged offences. There is no indication as to when the petitioner had contacted the complainant and brought her from her house; since when was she living at the given address; and was the accused permanently residing at the said address as well. However, the complainant has alleged that on 25.01.2020, she had been assaulted and also threatened.

4. It is material to note that the complainant declined to be subjected to any physical examination.

5. A status report from the jail authorities was called, which indicates that the complainant had visited the petitioner in jail on several occasions.

6. The complainant has also joined the proceedings and states that she has no objection if the petitioner is released on bail. She also confirms that she has visited him in jail on several occasions.

7. According to the petitioner, there is no offence that was committed and the complainant has filed the FIR since he has declined to marry her.

8. The allegations made against the petitioner are serious but the complainant has expressed her no objection to the petitioner being released. This Court is also of the *prima facie*, view that there does not appear any perceptible risk of the petitioner fleeing from the law. The principal evidence against the petitioner is to be provided the complainant, and she has voluntarily been in touch with the petitioner while he is in custody. It is, thus, doubtful whether the petitioner has any propensity to tamper with the evidence.

9. In view of the above, the present petition is allowed. The petitioner is

directed to be released on bail on his furnishing a Personal Bond in the sum of ₹20,000/- to the satisfaction of the Jail Superintendent. This is also subject to the following further conditions:-

- a) the petitioner shall not leave the National Capital Territory of Delhi without due intimation to the concerned IO;
- b) the petitioner shall provide a contact number and ensure that he is reachable on it at all times; and
- c) the petitioner shall ensure that he is present on all proceedings.

10. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

JULY 03, 2020
MK