

\$~Bail-3

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

+ **BAIL APPLN. 1566/2020**

MOHD. WAHIDUSSALAM alias YASIR

....Petitioner

Through : Mr. Gopal Jha, Adv.

versus

STATE NCT OF DELHI

....Respondent

Through : Mr. Hirein Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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20.07.2020

[Court hearing convened *via* video-conferencing on account of COVID-19]

1. This is a petition filed under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail.
2. The petitioner has been accused of committing offences under Sections 376/377/328/384/506 IPC. These accusations form part of FIR No. 37/20 dated 03.03.2020.
 - 2.1 The petitioner has been in judicial custody since 03.03.2020.
3. Briefly, the accusation made against the petitioner by the complainant is that he had sexual intercourse with her based on a false promise that he would marry her. The complainant is the younger sister of the petitioner's wife.
4. The complainant has also alleged that she lent money and incurred expenses on behalf of the petitioner in the belief that he would ultimately marry her.
5. Mr. Hirein Sharma, who, appears on behalf of the respondent/State,

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submitted that the investigation *vis-à-vis* this aspect of the matter is complete and a chargesheet has been filed.

5.1 Mr. Sharma, however, also informs me that further investigation is on *vis-à-vis* sale of gold ornaments of the complainant and, in that behalf, notice has been issued to the concerned goldsmith who has not joined the investigation as yet.

5.2 Mr. Sharma says that there is a likelihood of a supplementary charge-sheet being filed in the matter depending on what emerges from further investigation.

6. Having perused the record and without getting into the merits of the matter, I am of the view that since investigation *qua* the main accusation levelled against the petitioner is complete and since it is pivoted on whether or not petitioner's relationship with the complainant was consensual, the petitioner can be enlarged on bail, subject to fulfilment of the following conditions:

- (i) The petitioner will furnish a personal bond of Rs. 30,000/- with one surety of the like amount to the satisfaction of the concerned Duty Magistrate. The surety will be a resident of Delhi.
- (ii) The petitioner will neither establish contact with the witnesses relating to the matter nor will he tamper with the evidence.
- (iii) The petitioner will not travel outside the National Capital Territory of Delhi without the permission of the concerned Court.

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

RAJIV SHAKDHER, J

JULY 20, 2020

Aj/KK

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[Click here to check corrigendum, if any](#)

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