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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPL 1771/2020

TARSEN JAIN

..... Petitioner

Through: Ms. Abhilasha Shrawat, Advocate

Versus

STATE

..... Respondent

Through: Dr. M.P. Singh, APP for State with W/SI
Sarita Vats

Mr. Aditya Malik, Advocate for Complainant
alongwith Complainant in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

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07.08.2020

1. The present bail application has been filed on behalf of the petitioner seeking anticipatory bail in FIR No. 87/2020 under Section 376 IPC registered at Police Station K.N. Katju Marg, Delhi.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on account of a monetary dispute. The prosecutrix had requested the petitioner to arrange a loan for her which was arranged and in pursuance to that she borrowed an amount of Rs.6,000/- against which she gave a cheque, which has been seized. She further submits that as per the FIR, the incident occurred on 15.03.2020 and despite that the prosecutrix had again visited the petitioner on 16.03.2020, without making

any police complaint. It is only thereafter, the present FIR was lodged. She further submits that in fact on the very next date i.e., on 17.03.2020, the prosecutrix had given a letter to the SHO seeking withdrawal of the complaint made against the petitioner stating that it was only a monetary dispute.

3. Learned counsel for the petitioner also submits that the prosecutrix is aged about 39 years and at the time of MLC, the prosecutrix had refused for her internal examination. Learned counsel for the petitioner further submits that the petitioner has joined the investigation about 8 times.

4. Learned APP for the State, on the other hand, has opposed the bail application. He submits that in the statement recorded under Section 164 Cr.P.C., the prosecutrix has supported the allegations. Although, he confirms that at the time of MLC, the prosecutrix had refused for internal examination.

5. Learned counsel for the complainant, on instructions from the complainant, who has also joined the Video Conference hearing submits that the prosecutrix had forwarded a letter on 17.03.2020 to the SHO to withdraw the complaint. He, on further instructions, submits that the prosecutrix has no objection if the petitioner is granted anticipatory bail.

6. In view of the above facts and circumstances of the case, it is directed that in the event of arrest, the petitioner be released on bail, subject to his furnishing a personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following conditions:-

- (i) The petitioner shall join investigation as and when he is asked to do so.
- (ii) The petitioner shall not leave the jurisdiction of National Capital Territory of Delhi without prior intimation to the I.O.
- (iii) The petitioner shall not directly or indirectly attempt to get in touch with the prosecutrix or any other prosecution witness and shall not tamper with the evidence.
- (iv) The petitioner shall regularly appear before the trial court as and when the charge sheet is filed.

7. The bail application is disposed of in the above terms.

MANOJ KUMAR OHRI, J

AUGUST 07, 2020

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