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

+ **BAIL APPLN. 1875/2020**

SANJEEV

.....Petitioner

Through : Mr. Suraj Prakash, Adv.

versus

THE STATE (NCT OF DELHI)

....Respondent

Through : Mr. Hirein Sharma, APP.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

O R D E R

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26.08.2020

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

1. The instant petition seeks grant of regular bail.
2. The petitioner was booked on 12.06.2020 *via* FIR No. 302/2020 Police Station – Swaroop Nagar. The said FIR was registered under Section 376/506 of the IPC.
3. The principal accusation against the petitioner is that he had sexual relationship with the complainant by having her believe that he would marry her.
4. It is not disputed by Mr. Hirein Sharma, the learned APP, that both, the petitioner as well as the complainant, are married and their relationship was carrying on outside marriage.
- 4.1 It is also not disputed by Mr. Sharma, which is also revealed on perusal of the aforementioned FIR that the physical relationship between the petitioner and the complainant has spanned between 01.01.2012 and 25.11.2019.

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5. The petitioner, admittedly, has been in judicial custody since 12.06.2020.

5.1 I am informed that the charge-sheet has been filed in the matter.

5.2 Furthermore, Mr. Sharma says that the complainant delivered a child on 05.08.2020 and that the child's DNA sample has been collected. Mr. Sharma says that the Forensic Science Laboratory [FSL] report is likely to be filed, shortly, with the concerned court.

6. Thus, having regard to the overall circumstances, I am of the view that since investigation is complete in the matter, the petitioner ought to be released on bail.

6.1 It is ordered accordingly.

7. The petitioner will be enlarged on bail subject to furnishing a personal bond of Rs. 20,000/- along with a surety of like amount to the satisfaction of the duty magistrate.

7.1 The petitioner will neither establish contact, directly or indirectly, with the witnesses relating to the matter [in particular, the complainant] nor will he tamper with the evidence.

8. The bail application is disposed of in the aforementioned terms.

9. The Registry will transmit a copy of the order passed today, *albeit* electronically, to the concerned Jail Superintendent.

RAJIV SHAKDHER, J

AUGUST 26, 2020

pmc/KK

Click here to check corrigendum, if any

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