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

+ **BAIL APPLN. 73/2023**

AASHISH SINGH

..... Petitioner

Through: Mr. Hemraj Tewatia, Adv. (through
VC).

versus

STATE OF NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Mukesh Kumar, APP for State
with SI Ankita Singh, P.S. Pul
Pralhadpur.
Mr. Ravinder Singh & Mr. Rajat
Sharma, Advs. (through VC).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

12.01.2024

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1. The present application under Section 438 of the Cr.P.C. seeks anticipatory bail in case FIR No. 467/2022 under Sections 376/506 of the IPC, registered at P.S. Pul Pralhadpur, New Delhi.

2. The case of the prosecution, as per the status report authored by Insp. Sanjay Kumar, Station House Officer, P.S. Pul Pralhadpur, Delhi is as under :-

“2. That the facts of the case are that above mentioned, case FIR was registered at PS-PulPralhadpur on dated 23/12/2022 on complaint of complainant / victim, 'S'/W/O Lt .N' R/O 'Z' ,Age-35Years in which she narrated as her husband expired in October 2016 leaving victim behind with three children. In year 20 17 she came in contact with Ashish Singh S/o' Sh.Azald Singh R/O Vill-Bhusli (14) Karnal Haryana Age-27'years on facebook and they



became a good friend, their mobile number got exchanged and they started having conversation. She further stated that she has informed accused Ashish about her Late husband and her ,childrens but Ashish has stated that there is no effect of the, same and he wants to marry the victim .On 7 January 2018 , Asish came to her rented house ie GA-109 Pul prahladpur Delhi and Stay there saying that his train is next morning, on same day accused Ashish Singh sexually assaulted her and when she opposed the same I he promise to marry her. After that Ashish continuously established physical relationship with her on pretext of marriage. She stated that when she asked Ashish for marriage he used to say that he will marry her when he will established in his life. That in May 2021, she got. pregnant with Ashish and when she told to Ashish about the same, he said that he will accept this child. On 13/03/2022 she delivered a baby boy and during this time Ashish was with her and in April 2022, Ashish went to Karnal for job after that he stop talking to complainant and blocked her mobile number . Afterward she came to know on 1 november 2022 that he has,got married to another women. She further stated that on 25/11/22 she met with Ashish and his father at saket court where his father threatened her to kill.”

3. Learned counsel for the applicant submits that there was consensual relationship between the latter and the complainant. It is further submitted that the applicant and complainant had become friends on facebook and thereafter they maintained the relationship for about 6 years. It is further submitted that at that time the complainant was widow and was having three children. It is further submitted that the allegation in the FIR with respect to the fact that the applicant promised to marry the victim is not true and the victim knew about the factum of the applicant’s marriage which was informed by the latter to her. It is further submitted that in pursuance of the interim protection granted to the applicant *vide* order dated 09.01.2023 by predecessor bench of this Court, the applicant has joined investigation as



and when called by the Investigating Officer. It is further submitted that chargesheet in the case has been filed.

4. *Per contra* learned APP for the State assisted by learned counsel for the complainant submits that as per the allegation in the FIR, the applicant made forcible relationship with the complainant on 07.01.2018 and thereafter promised to marry her, which he has not fulfilled. It is submitted that complainant was living with the applicant on the aforesaid dishonest misrepresentation and false promise that he would marry her and a child has been born out of this relationship of the applicant and complainant.

5. Heard the learned counsel for the parties and perused the record.

6. The fact that the applicant and complainant were living together as husband and wife has come on record. The allegation with respect to the fact that applicant made false promise to marry the complainant will be determined by the learned Trial Court during the course of trial. The applicant had been granted interim protection *vide* order dated 09.01.2023 of this Court and has joined investigation as and when called by the Investigating Officer, the chargesheet in the present case has been filed on 20.02.2023.

7. In totality of the facts and circumstances of the case, the present application is allowed. In the event of arrest, the applicant is directed to be released on bail on his furnishing personal bond of Rs. 50,000/- with one surety of like amount to the satisfaction of the learned Trial Court/Link Court /Investigating Officer/Arresting Officer, further subject to following conditions:

- i. The applicant shall not leave the country without prior permission of the learned Trial Court.



- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant shall join investigation as and when called by the Investigating Officer concerned.
 - v. The applicant will not try to influence the witnesses in any manner.
 - vi. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.
- 8. The application is allowed and disposed of accordingly.
 - 9. Pending applications, if any, also stand disposed of.
 - 10. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.
 - 11. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

JANUARY 12, 2024/nk