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

+ **BAIL APPLN. 267/2023 & CRL.M.A. 24551/2023**

VIKASH KUMAR MISHRA

..... Petitioner

Through: Mr Kamlesh Kumar and Ms Tripta
Kanta, Advocates.

versus

STATE OF NCT DELHI

..... Respondent

Through: Mr Ritesh Kumar Bahri, APP for the
State with Insp. Shiv Karan, PS Nabi
Karim, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

12.03.2024

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1. The present petition has been filed under Section 439 CrPC seeking regular bail in connection with FIR No.0391/2022 under Sections 376/509/506 IPC and Section 67A of IT Act registered at Police Station Nabi Karim.
2. The allegation against the petitioner is that on the pretext of marriage he had sexually abused the prosecutrix.
3. It is to be noted that on 07.07.2023 the prosecutrix had appeared in person in the Court and stated that she has no objection in case the petitioner is enlarged on bail. Accordingly, vide order dated 07.07.2023 petitioner was



enlarged on interim bail.

4. Learned counsel for the petitioner submits that pursuant to the interim bail granted to the petitioner, marriage has been solemnised between the prosecutrix and the petitioner.

5. Learned APP for the State, on instructions from the Investigating Officer, submits that the factum of marriage has been verified.

6. The prosecutrix is also present in Court. She also states that she is now married to the petitioner and has no objection if the petitioner is granted regular bail.

7. It is also not in dispute that the petitioner has suffered incarceration for almost 09 months and he does not have criminal record. Further, the chargesheet has also been filed.

8. Considering the aforesaid circumstances, this Court is of the view that the petitioner is entitled to regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.



9. However, it is clarified that the learned Trial Court may proceed with the recording of evidence.
10. The petition stands disposed of.
11. It is made clear that nothing stated above is to be construed as an expression of opinion on the merits of the case.
12. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.
13. Order *dasti* under signatures of the Court Master.
14. Order be uploaded on the website of this Court.

MARCH 12, 2024/MK

VIKAS MAHAJAN, J