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

+ **BAIL APPLN. 523/2023**

FARUKH SHEKH

..... Petitioner

Through: **Mr. Kartik Murukutla and Mr. Abu
Bakr Sabbaq, Advs.**

versus

STATE OF NCT OF DELHI AND ORS.

..... Respondents

Through: **Mr. Ritesh Kumar Bahri, APP for
State with SI Arpana, PS. Punjabi
Bagh.**

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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02.04.2024

1. The present petition has been filed under Section 438 CrPC read with Section 482 CrPC seeking anticipatory bail in connection with FIR No.803/2022 under Section 376 IPC registered at Police Station Punjabi Bagh.
2. The case of the prosecution is that the accused and the prosecutrix were friends and one day the accused called the prosecutrix to a hotel and made physical relation with her. Sometime later, the accused asked the prosecutrix for some money and the prosecutrix also gave him the money, which the petitioner did not return.
3. It is also the case of the prosecution that on various other occasions, the accused forced the prosecutrix to have physical relationship with him. Following this the complaint was made by the complainant which culminated into the registration of aforesaid FIR.
4. The learned counsel for the petitioner submits that both the petitioner, as well as, the prosecutrix were married at the time of their involvement in consensual relationship. According to him, the prosecutrix was of sufficient



maturity to understand the consequences of her action, which was consensual in nature. The submission of the learned counsel for the petitioner does not seem to be without substance.

5. The learned counsel invites the attention of the Court to the order dated 17.02.2023 to contend that this Court while issuing notice had granted interim protection to the petitioner subject to his joining investigation.

6. He submits that the petitioner has joined the investigation as and when called upon by the I.O. concerned. He further submits that the petitioner has also handed over his mobile to the I.O and the investigation in the matter is complete, in as much as, the charge sheet stands filed.

7. The learned APP for the State, on instructions from the I.O, affirms the fact that the investigation is complete and the charge sheet has been filed.

8. In view of the above, it is directed that in the event of petitioner being arrested, he be released on bail subject to his furnishing personal bond in the sum of Rs. 25,000/- and a surety bond of the like amount to the satisfaction of the Investigating Officer / Arresting Officer with further subject to the condition that he will join investigation as and when directed by the IO concerned.

9. The petition stands disposed of.

10. Order *dasti* under signatures of the Court Master.

11. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

APRIL 2, 2024/dss