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

+ **BAIL APPLN. 588/2024**

NEERAJ MEHRA

..... Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. Hirein Sharma, Mr. Arpit
Bhalla, Mr. Saurabh Goel, Mr. Manoj
Kumar and Mr. Ankit Gupta,
Advocates.

versus

THE STATE OF DELHI

..... Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with SI Divya Yadav PS Nihal Vihar,
Delhi.

Mr. Vinod Kumar Bhargava, Mr.
Bhushan Kalia and Ms. Renuka
Singh, Advocates for complainant
with complainant in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

08.05.2024

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1. By way of present bail application filed under Section 439 read with Section 482 Cr.P.C., the applicant/petitioner seeks regular bail in FIR No. 1483/2023 registered under Sections 376 (2) (n)/506 IPC at Police Station Nihal Vihar, Delhi.

2. Learned counsel for the applicant submits that the applicant is in custody since 13.01.2024. He submits that the charge-sheet has already been filed and the applicant therefore is not required for any custodial investigation. On merits, it is submitted that the present FIR came to be registered on 24.11.2023 on the allegations of the complainant that the applicant established physical relations on the pretext of marriage. It is



stated that even as per the allegations the present is a case of breach of marriage. He submits that the complainant has claimed that she was known to the applicant for the last about 7 years and the instant FIR came to be registered after a delay of six years from the first alleged incident.

3. The bail is vehemently opposed by the learned APP for the State duly assisted by learned counsel for the complainant. They contend that not only the applicant established physical relations with the complainant on the false promise of marriage but also made the complainant to part with an amount of Rs.8,50,000/-.

4. At this stage, learned counsel for the applicant states that the applicant has already paid a sum of Rs.5 lacs to the complainant, which is acknowledged by learned counsel for the complainant on instructions from the complainant who is present in the Court.

5. A perusal of the FIR would show that the complainant has claimed that she is 35 years of age and came to know the applicant through social media. The applicant promised to marry the complainant whereafter consensual relations were made. The complainant has alleged that she had also gone with the applicant outside of Delhi to Manali, wherein a ritual was performed where the applicant had put vermilion on the forehead of the complainant.

6. On a *prima facie* reading of the complaint, it appears that the present case is of a breach of promise to marry.

7. Considering the totality of the facts and circumstances, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned



Court/Duty M.M. and subject to the following further conditions :-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

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

9. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

10. Copy of the order be uploaded on the website forthwith.

11. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

MAY 8, 2024/rd