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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1086/2024**
AMAN KHANPetitioner

Through: Ms. Tanya Agarwal and Mr. Akhil,
Advts.

versus

STATE OF NCT OF DELHI & ANR.Respondents
Through: Ms. Meenakshi Dahiya, APP for the
State with Insp. Manjusha, PS Sarita
Vihar.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **22.08.2024**

1. An application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 57/2024, under Sections 376 IPC, registered at P.S.: Sarita Vihar.
2. Learned counsel for petitioner submits that as per FIR, physical relationship between petitioner and respondent no. 2 was voluntary though alleged to be made on false pretext of marriage. She further submits that petitioner has already joined the investigation and custodial interrogation is not required. She also points out that prosecutrix was already married and as such, there could not have been any false assurance, as she could not legally marry without obtaining divorce.
3. Learned APP for the State submits that prosecutrix has failed to respond despite being informed and confirms that petitioner has joined the investigation. She further informs that chargesheet is to be shortly filed.
4. Admittedly, petitioner has joined the investigation and his custodial interrogation is not required. The physical relationship between petitioner



and respondent no. 2 appears to be consensual. It also cannot be ignored that respondent no. 2 / prosecutrix is also alleged to be already married and could not have remarried without obtaining divorce.

Considering the totality of the facts and the circumstances, in the event of arrest, petitioner be admitted to bail on furnishing a personal bond in sum of Rs. 25,000/- (Rupees Twenty Five Only) with one surety in the like amount to the satisfaction of learned Trial Court and subject to following conditions:

- (i) Petitioner shall join investigation as and when called by Investigating Officer (IO) / SHO, PS concerned;
- (ii) In case of change of address, petitioner shall intimate / communicate his fresh addresses to the IO / SHO concerned as well as learned Trial Court; and
- (iii) Petitioner shall not contact the prosecutrix or influence the witnesses in any manner.

Application is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J

AUGUST 22, 2024/p