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

+ **BAIL APPLN. 1360/2024**

DHARMENDER YADAV

..... Petitioner

Through: **Mr. J. K. Gupta and Mr. Rahul Kumar, Advocates.**

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: **Ms. Kiran Bairwa, APP for the State with SI Anny Phogat, PS: Narela.**

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **17.05.2024**

1. An application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 0465/2023, under Section 376/506 IPC, registered at PS: Narela.

2. In brief, as per the case of prosecution, present FIR was registered on 05.07.2023, on complaint of prosecutrix, who alleged that she was in relationship with petitioner for the last two years and petitioner had made physical relations with her on 12.08.2021 on false promise of marriage. Further, on 10.06.2023, petitioner lastly made physical relations with her without her consent. She also alleged that petitioner had mortgaged her jewellery with Muthoot Finance and withdrew money from her bank account.

3. Learned counsel for petitioner submits that relationship between petitioner and prosecutrix was consensual and no such complaint was made during the period of two years, while they were in relationship. He further

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submits that no jewellery was found to be mortgaged with Muthoot Finance during investigation, as alleged by prosecutrix. It is emphasized that petitioner has clean past antecedents and has no past involvement in any other case. Further, petitioner is stated to be in custody since 21.07.2023 and is no longer required for purpose of investigation, since chargesheet has been filed.

4. On the other hand, application is opposed by learned APP for the State along with prosecutrix. Learned APP submits that prosecutrix was lured to enter into physical relationship on false promise of marriage and an amount of Rs. 20,000/- had been withdrawn by petitioner from the bank account of prosecutrix.

5. I have given considered thought to the contentions raised.

Admittedly, relationship between petitioner and prosecutrix (aged about 23 years) was consensual and continued over a period of two years. No jewellery was found to be mortgaged with Muthoot Finance, as alleged by prosecutrix, during investigation.

Conclusion of trial is likely to take some time, since the case is still at the stage of charge. Considering the totality of facts and circumstances, without expressing any opinion on the merits of the case, petitioner is admitted to bail on furnishing a personal bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount to the satisfaction of the learned trial court and subject to the following conditions:

- (i) Petitioner shall provide his mobile number to the Investigating Officer (IO) / SHO concerned;
- (ii) In case of change of address, petitioner shall intimate /



communicate his address to the IO / SHO concerned.

(iii) Petitioner shall not 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 Superintendent Jail and learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

MAY 17, 2024/R