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

+ **BAIL APPLN. 1666/2024 &, CRL.M.A. 14491/2024**

ANUJ NAGAR

.....Petitioner

Through: Mr. Jaibir Singh Nagar, Mr. Akash Nagar, Mr. Arvind Tanwar, Mr. Hotam Singh Nazar, Mr. Bhopal Singh, Mr. Rakesh Kumar, Mr. Prashant Chaudhary, Mr. Ramesh Bidhuri, Mr. Jasraj Singh, Mr. Gaurav Chkaudhary, Ms. Monika, Mr. Dharamvir Singh and Mr. Amarnath Gupta, Advocates.

versus

THE STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for with SI Manju Redhu, PS Timarpur. R-2/prosecutrix in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

23.07.2024

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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. 255/2024, under Section 376 IPC, registered at P.S. Timarpur.

2. In brief, as per the case of prosecution, present FIR was registered on complaint of respondent No.2/prosecutrix aged about 25 years who alleged that petitioner committed rape on her on false pretext of marriage. She further alleged that petitioner stayed with her from 2022 to 03.04.2024 at her rented flat in Gandhi Vihar and established sexual relations after promising to marry her which resulted in pregnancy. However, pregnancy was aborted and



petitioner subsequently refused to marry her citing family issues.

3. Learned counsel for the petitioner submits that the relationship between the parties was consensual and FIR has been registered after considerable delay only since marriage between the parties could not be solemnized.

4. On the other hand, application is opposed by the learned APP for the State along with prosecutrix in person. Learned APP, on instructions from IO, further informs that chargesheet has already been filed before the learned Trial Court and petitioner is no longer required for the purpose of investigation.

5. Admittedly, the relationship between petitioner and prosecutrix appears to be consensual which continued for a long period of time and the FIR has been registered since the same did not fructify into marriage between the parties. No complaint was ever lodged at any point of time during the continuation of the relationship between the parties. Petitioner has already joined investigation and chargesheet has been filed.

6. Considering the totality of facts and circumstances, in the event of arrest, petitioner be admitted to bail on furnishing a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) with one surety in the like amount to the satisfaction of the IO/SHO, PS Concerned and subject to 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 fresh address to the IO/SHO concerned as well as learned trial court;



(iii) Petitioner shall not threaten or influence the witnesses in any manner.

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

ANOOP KUMAR MENDIRATTA, J.

JULY 23, 2024

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