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

+ **BAIL APPLN. 2262/2024**

MOHD. SHADAB ALIAS SHADAB SAIFIPetitioner

Through: Mr. M. Hasibuddin, Mr. Yasir Arafat,
Mr. Safuddin Khan and Ms. Sabina,
Advocates.

versus

THE STATE (GNCT OF DELHI)Respondent

Through: Mr. Laksh Khanna, APP for State
with Inspector Manju Shah and WSI
Surubhi PS Sarita Vihar, New Delhi
Mr. Tapish Aggarwal, Advocate for
complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

06.08.2024

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1. By way of the present application, the applicant seeks anticipatory bail in FIR No. 179/2024 registered under Sections 376/506 IPC at P.S. Sarita Vihar, South East Delhi.
2. Notice of the bail application was issued to the prosecutrix, who is represented by Mr. Tapish Aggarwal, Advocate.
3. Learned counsel for the applicant contends that the reading of the present FIR would show that the applicant and the prosecutrix, aged about 25 and 23 years, respectively, have entered into consensual physical relations. He further submits that the case made out by the prosecution is a breach of promise of marriage. He also states that the applicant has joined investigation. In support of his submissions, learned counsel for the applicant also placed reliance on the decision in Prashant Bharti v. State of



NCT of Delhi, reported as **[2013] 1 S.C.R. 504**.

4. The bail application is opposed by learned APP for the State, duly assisted by learned counsel for the complainant. It is stated that the physical relations were established on the false pretext of marriage. It is further stated that the complainant was induced by entering into relations. The status report has also been placed on record, as per which, the investigation is going on, wherein it has been found that both the applicant and the prosecutrix visited M*S* Hotel on 16.06.2023 and that the hotel register and their Ids were also seized from the said hotel during investigation.

5. Keeping in view the aforesaid facts and circumstances and the fact that both the parties were of considerable maturity and that the relations were established with consent, it is directed that in the event of arrest, the applicant be released on bail subject to his furnishing a personal bond in the sum of ₹25,000/- with one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following further conditions:-

- (i) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
- (ii) The applicant shall join the investigation as and when asked.
- (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
- (iv) In case of change of residential addresses/contact details, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.
- (v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the



evidence.

(vi) The applicant shall regularly appear before the trial Court.

6. The application is disposed of in the above terms.

7. 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

AUGUST 6, 2024/rd