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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2268/2024**
SHAKIR QURESHIPetitioner
Through: Mr. Suraj Prakash Sharma, Adv with
Mr. Sh. Mayank K Chauhan,
Advocates.
versus
THE STATE NCT OF DELHIRespondent
Through: Mr. Pradeep Gahalot, APP for State
with W/ASI Akansha PS: Adarsh
Nagar.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
28.08.2024

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1. This petition has been filed seeking bail in FIR No. 550/2023 under Sections 376/354D/506, registered at PS. Adarsh Nagar.
2. The petitioner has been in custody since November, 2023. The prosecutrix is present in the Court, duly identified by the IO. She is also represented through her counsel, who states on her instructions that she has no objection to the grant of bail. The Court has also queried to the prosecutrix in Court and she confirms the same.
3. Counsel for petitioner also points out that there is a history of relationship between the accused and the respondent no. 2, as is evident from the FIR, as well as the statement recorded under Section 164, Cr.P.C of the complainant.
4. As per the complaint, she stated that she met the accused near Jahangir



Puri metro station and they exchanged mobile numbers. Thereafter, they established physical relationship in a hotel. She alleges that there was a pretext of false marriage and he kept assuring her that he will marry her after discussing with the family. Subsequently, in the month of December, 2022, he booked a ticket and called her to Hyderabad, where she stayed with him.

5. Subsequent to further interactions on July, 2023, she states that he refused to marry her. The statement recorded under Section 164 Cr.P.C. resonates the same story.

6. Further, it is also noted before the Trial Court that the prosecutrix has submitted that she has no objection to the grant of the bail, as noted in order dated 7th June, 2024.

7. APP for State objects to the grant of bail on the ground that the petitioner had absconded earlier and surrendered when the anticipatory bail was dismissed as withdrawn by this Court, and that as per the FIR and the Section 164 Cr.P.C. statement, the prosecutrix stated that there was no consent in the physical relationship.

8. Considering these facts and circumstances and a categorical statement made on behalf of the prosecutrix, who is represented through counsel, it will not serve any purpose to keep the petitioner in custody. As per the Nominal Roll, there is no previous involvement of the petitioner.

9. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner.

10. Consequently, the petitioner is directed to be released on bail on



furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave Delhi NCR without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
- vi. Petitioner will mark presence physically before the concerned I.O. every Friday at 04:00 p.m., and will be not kept waiting for more than an hour.
- vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

11. Needless to state, but any observation touching the merits of the case is



purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

12. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

13. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 28, 2024/RK

Click here to check corrigendum, if any