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

+ **BAIL APPLN. 2586/2024**

DEBOBRATA DEB

....Petitioner

Through: Mr. Kapil Sankhla , Ms. Neha Rai, Ms.
Fagun Sharma , Mr. Priyanshu
Upadhyay, Mr. Viraat Tripathi, Mr.
Abeer Gobind Shandilya, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
with SI Gita Yadav, PS: Mehrauli. Mr.
Vishesh Wadhwa and Mr. Shubhangi
Singh, Advocates for prosecutrix.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

23.08.2024

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1. This petition has been filed seeking regular bail in FIR no. 349/2024 under Sections 376 of IPC.
2. The case of the prosecution is based on the complaint of the prosecutrix that she met the accused on 22nd January 2018 through Facebook and he asked her to come to Delhi for the purpose of getting a job in the month of January 2019. She arrived in Delhi on 22nd January 2019 with her mother and she stayed at a guest house along with her mother and then shifted to a rented premises.
3. In November 2020, as per her allegation, on the promise that he would



marry her, the petitioner established physical relations with the complainant. The complainant had a 3-year live-in relationship with petitioner till 2023.

4. On 28th November 2023, the complainant asked him to marry her and then the accused mentioned that he was to marry somebody else due to pressure from the family. Pursuant to these situations, the FIR was registered.

5. The petitioner was arrested, two mobile phones were seized. The mobile phone of the prosecutrix was also seized, to establish the chat and conversations on WhatsApp, Instagram. The FSL results are still awaited.

6. The charge sheet has now been filed, post the completion of the investigation, on 27th July 2024.

7. The prosecutrix is present in Court assisted by her counsel, states that she was deceived on account of the promise to marry by accused and, therefore, submitted to the physical relationship and she was taken by surprise when he said he was marrying somebody else, without having informed her in advance.

8. Taking into account the facts and circumstances, as stated above, and in particular that the investigation is over and the chargesheet has already been filed, the petition for bail is allowed.

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 the country 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 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, and not visit/venture near the prosecutrix residence or workplace.
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. Copy of the order be given '*dasti*' under the Signature of the Court Master.
14. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
15. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 23, 2024/RK

Click here to check corrigendum, if any