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

+ **BAIL APPLN. 4190/2023**

ANKUR GUPTA

..... Petitioner

Through: Mr.Pramod Kumar, Advocate

versus

THE STATE OF NCT DELHI AND ANR

..... Respondents

Through: Mr. Aashneet Singh, APP for State
with ACP Usha Kumari Joshi, CAW Cell/Outer
District and SI Abhilash
Ms.Astha, Advocate (DHCLSC) for respondent
No.2

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

22.04.2024

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1. By way of present application filed under Section 439 Cr.P.C., the petitioner/applicant seeks regular bail in FIR No.1213/2022 registered under Sections 376/506 IPC and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 at P.S. Nihal Vihar.
2. Learned counsel for the applicant submits that the prosecutrix was 6 years older than the applicant. He further submits that the FIR came to be registered only on account of the fact that the applicant had failed to keep his promise to marry the prosecutrix. He further submits that the prosecutrix has already been examined in the present case. Insofar as the allegation on the aspect of SC/ST Act are concerned, there are no public witnesses cited, as the prosecutrix has herself admitted that all the conversations between her



and the applicant were private in nature. He has also referred to the testimony of the prosecutrix to submit that there used to be average calls for 1 and ½ hours every day between the applicant and the prosecutrix.

3. Learned APP for the State, duly assisted by learned counsel for the complainant, has vehemently opposed the bail application. He submits that in the present case, the applicant has misled the prosecutrix on the promise of marriage and established physical relations.

4. I have heard learned counsels for the parties and have also perused the material placed on record.

5. The applicant has been in custody since 26.05.2023. The prosecutrix already stands examined wherein she has deposed that she was known to the accused. The testimony records that there are allegations of physical relations between them on the promise of marriage. The testimony further records that the applicant and prosecutrix had gone to Tiz Hazari Court to solemnize their marriage, however, the same was not performed. Prima facie, on a perusal of facts, it appears that the present case relates to breach of promise.

6. On a specific query, learned APP for the State, on instructions from the Investigating Officer, submits that there are no public witnesses insofar as the allegations of SC/ST Act are concerned.

7. Keeping in view the aforesaid facts and circumstances including the fact that the prosecutrix already stands examined, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty M.M. and subject to the following further conditions:-



- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
 - ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
 - iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
 - iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
 - v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.
8. The bail application is disposed of in the above terms.
 9. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
 10. Copy of the order be uploaded on the website forthwith.
 11. 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

APRIL 22, 2024/na