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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 3027/2024 & CRL. MA 25385/2024

RAJAT SHARMA

.....Petitioner

Through: Mr. Maninder Singh, Senior Advocate with Mr. Ajay Kumar Pipaniya, Mr. Gopesh Jindal, Mr. Navish Chhikara and Mr. HPS Anand, Advocates.

versus

STATE(GOVT OF NCT OF DELHI) & ANRRespondents

Through: Mr. Shoaib Haider, APP for State with SI Vikash PS Naraina, Delhi. Mr. M.S. Khan, M.s Soniya Arya and Mr. Avdhesh Saraswat, Advocates for respondent no.2 with respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

07.11.2024

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1. The present application has been filed by the petitioner seeking anticipatory bail in FIR No. 253/2024 registered under Sections 376/506 IPC at P.S. Naraina, Delhi.
2. Learned Senior Counsel appearing for the applicant submits that the applicant has joined investigation and submitted his mobile phone which he was using. On merits, it is stated that the relationship between the applicant and the prosecutrix, both of whom are majors, was consensual in nature. He submits that the relationship was spread over for a period of three years and the prosecutrix was well aware of the marital status of the present applicant.
3. The application is opposed by learned APP for the State duly assisted



by the learned counsel appearing for the complainant. It is stated that initially the relations were established without the applicant disclosing his marital status. It is further stated that the complainant has been consistent in her statements recorded under Sections 161 and 164 Cr.P.C. Lastly, it is submitted that the charge-sheet already stands filed though the prosecutrix is yet to be examined.

4. I have heard learned counsel for the parties and learned APP for the State and perused the record.

5. The instant FIR came to be lodged on 09.08.2024 wherein the prosecutrix has alleged that she was aged 27 years and working in a private company where the applicant was also a colleague. It was claimed that she had befriended the applicant around three years ago and physical relations were made between them with consent. It was further alleged that three months later, she became aware that the applicant was already married and having children. The applicant had informed her about his decision of taking the divorce. Even after being aware of the same, the applicant as well as the prosecutrix entered into further physical relations. It was further alleged that in April, 2024, the applicant's wife visited the home of the prosecutrix and informed her that the applicant was still married with her. Even thereafter, physical relations were established between the parties with consent.

6. Keeping in view the aforesaid facts and circumstances and the fact that the applicant has joined the investigation, the interim protection granted to the applicant vide order dated 27.08.2024 is made absolute and it is directed that in the event of arrest, the applicant be released on bail subject to him furnishing a personal bond in the sum of Rs. 50,000/- 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 he is asked for.
- (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
- (iv) In case of change of residential address/contact detail, 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 as and when the charge sheet is filed.

7. The bail application is disposed of in the above terms along with pending application.

8. 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

NOVEMBER 7, 2024/*rd*