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

+ **BAIL APPLN. 3562/2024**

SINTU SHARMA THROUGH PAIROKAR

BROTHER MANTU SHARMAPetitioner

Through: Mr. Ravindra Narayan and Mr.
Ashwani Tyagi, Advocates.

versus

STATE OF N.C.T. OF DELHI THROUGH

SHO PS FATEHPURI BERIRespondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Sachin Panwar and SI Richa
PS Fatehpur Beri, Delhi.
Ms. Smriti Sinha and Ms. Sara
Shrawani, Advocates for prosecutrix.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **25.11.2024**

1. By way of present bail application, the applicant/petitioner seeks regular bail in FIR No. 479/2024 registered under Section 376 IPC at Police Station Fatehpur Beri, Delhi.

2. Learned counsel for the applicant submits that as per the prosecution case, the parties were employed together in a company, Capital Trust Limited Sultanpur, Delhi, and physical relations were established for the first time in December, 2017. He further submits that the prosecutrix has narrated the date of the incidents on which physical relations were established between the applicant and the prosecutrix, and the last clear date of the incident is of 09.04.2022. He also states that though the prosecutrix has claimed that thereafter, relations continued to be maintained, however, she has neither given any dates nor any places, except stating that further physical relations were established at the PG accommodation of the accused.



It is thus contended that the present is a case of breach of promise of marriage. Lastly, he submits that the applicant is in custody since 04.09.2024 and the charges are yet to be framed.

3. The bail application is resisted by the learned APP for the State duly assisted by learned counsel for the prosecutrix. It is stated that the present case is not only of false promise of marriage but also wherein the applicant continued to maintain physical relations with the prosecutrix even after getting married to another girl in the year 2023.

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

5. It is an admitted position that as per the allegations levelled in the FIR, the parties were known to each other since 2017. The present FIR came to be lodged on 17.08.2024 wherein the allegations of physical relations on the pretext of marriage along with respective dates and places of commission of the incident were provided by the prosecutrix till 09.04.2022, thereafter, the prosecutrix has not given any detail of either any date, month or year except stating that physical relations were continued between them. Though along with the charge-sheet, WhatsApp chats have also been filed, indicating that the applicant continued to talk to the sister of the prosecutrix, however, the same does not reflect that any further physical relations were made between them. It is only in the prosecutrix's subsequent statement recorded under Section 164 Cr.P.C. that further dates beyond the year 2022 were given.

6. Considering the totality of the facts and circumstances, including the fact that allegations of maintaining and establishing physical relations after the applicant's marriage were not levelled initially, 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 JMFC 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.

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

8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

9. Copy of the order be uploaded on the website forthwith.

10. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to present bail applicant and 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 25, 2024/rd