
(2019) 03 DEL CK 0193

In the Delhi High Court

Case No : Bail Application No. 959 Of 2018

Saurabh Chaudhary

APPELLANT

Vs

State (Govt Of Nct Delhi)

RESPONDENT

Date of Decision : 26-03-2019

Acts Referred:

Indian Penal Code, 1860 — Section 313, 376

Citation : (2019) 03 DEL CK 0193

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Rajiv Khosla, Sarvesh Tyagi, Meenakshi Dahiya, Sumeeta, Manish Lamba

Final Decision : Disposed Off

Judgement

Sanjeev Sachdeva, J

1. Petitioner seeks anticipatory bail in FIR No. 37/2018 under Sections 313/376 of the Indian Penal Code, 1860 registered at Police Station Shahbad Dairy.
2. The allegations of the prosecutrix are that she came in contact with the petitioner while she was studying in Rajasthan. Thereafter they started talking to each other and became close friends. It is alleged that the petitioner even took her to his house in the village and families of the parties are known to each other. Thereafter it is alleged that on 08.11.2016 petitioner took her to a flat of his friend and forcefully assaulted her and when she objected, he promised to marry her. It is further alleged that thereafter he made physical relations with her time and again on false promise of marriage.
3. The petitioner is also alleged to have taken a flat in Rohini for her to stay and he would visit the said flat every 3-4 days and on false promise of marriage make physical relations with her.
4. The prosecutrix contends that during this period she became pregnant and he

administered a tablet which led to abortion. As per the prosecutrix, the petitioner is alleged to have made physical relations last time on 05.11.2017 and thereafter is alleged to have refused to marry her.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated. He submits that both the prosecutrix and the petitioner are adults and the allegation that relation was made forcefully or on false promise of marriage is not corroborated by any material. He further submits that there is unexplained delay in making the complaint, which was made on 21.01.2018 and there is no medical or other evidence corroborating any of the allegations made by the prosecutrix.

6. Status report has been filed and the same is taken on record. Status report indicates that the prosecutrix had contended that there were certain WhatsApp Chat between the prosecutrix and the petitioner with regard to abortion. Status report indicates that the mobile phones of the petitioner as well as prosecutrix have been examined by FSL and the FSL report has not confirmed the allegations made by the prosecutrix. Status report also indicates that the investigation is complete and the chargesheet has already been filed.

7. Without commenting on the merits of the case and keeping in view the totality of the facts and circumstances, I am satisfied that the petitioner has made out a case for grant of anticipatory bail.

8. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on petitioner furnishing a bail bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioner shall not do anything that may prejudice either the trial or the prosecution witnesses. Petitioner shall not try to contact the prosecutrix or her family. Petitioner shall not leave the country without the permission of the Trial Court and shall also surrender his passport, if any, to the Investigating Officer, if not already done.

9. The petition is disposed of in the above terms.

10. Order Dasti under signatures of the Court Master.