

Praveen vs.state

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SooperKanoon Citation : sooperkanoon.com/1224442

Court : Delhi

Decided On : Aug-01-2019

Appellant : Praveen

Respondent : State

Judgement :

\$~5 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + BAIL APPLN.
2918/2018 Judgment delivered on:

01. 08.2019 PRAVEEN STATE versus

... Petitioner

..... Respondent Advocates who appeared in this case: For the

... Petitioner

: Mr. M.L.Yadav, Adv. For the Respondent : Mr. Hirein Sharma, Addl. PP for the
State with SI Pooja, P.S.Mansarovar Park. Mr.Saurabh Kansal, Adv. for the
complainant. CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT SANJEEV
SACHDEVA, J.

(ORAL) 1.

... Petitioner

seeks regular bail in FIR No.446/2017 under Sections 376/354-D/5 Indian Penal Code, 1860 registered at Police Station Mansarovar Park, New Delhi.

2.

... Petitioner

had earlier approached this Court for grant of anticipatory bail by order dated 12.03.2018, petitioner was granted interim protection subject to jointing investigation.

3. The allegations against the petitioner are that he had made physical relations with the prosecutrix on the false promise to marriage. Further, it is also contended that he had invited her for a birthday party on 10.02.2017 in a hotel, where the complainant found him alone. He gave her a cold drink BAIL APPLN. 2918/2018 Page 1 of 3 which was laced with some intoxicant. Subsequently it is alleged that on drinking she became unconscious and the petitioner is alleged to have made physical relations with her without her consent and taken photographs and video.

4. On 12.03.2018, statement was made by the prosecutrix that she had married with the petitioner and she had no objection to the grant of anticipatory bail. Subsequently, it is alleged that after the interim protection granted to the petitioner he had left the prosecutrix and marriage was contracted solely for the purposes of getting bail.

5. After investigation, chargesheet was filed and on 28.11.2018, the petitioner was granted liberty to approach the trial court for grant of bail and the interim protection was continued pending the consideration of the bail application. The application has been rejected by the trial court by order dated 05.12.2018 and accordingly, the petitioner has filed the present application.

6. Learned Counsel for the petitioner submits that the petitioner has been falsely implicated. It is submitted that the relations between the parties was consensual and they lived together for 3 years and in a fit of anger she made the complaint. Thereafter they settled their disputes and married each other.

7. It is submitted that the investigation has also not corroborated the allegations levelled by the prosecutrix.

8. On 29.04.2019, learned counsel for the complainant had contended that there were certain articles of the complainant which were lying in the BAIL APPLN. 2918/2018 Page 2 of 3 room which was taken on rent by them in Ghaziabad and she wanted to remove the same. The IO was directed to visit the said premises to enable the complainant to remove her articles. It is confirmed by learned counsel for the complainant that the complainant has removed her articles from the said premises.

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

10. Accordingly, 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 Trial Court, petitioner shall be released on bail, if not required in any other case.

... Petitioner

shall not do anything which may prejudice either the trial or the prosecution witnesses.

... Petitioner

shall not leave the trial without the permission of the Trial Court.

... Petitioner

shall not make any attempt to contact the complainant or her family.

11. Petition is disposed of in the above terms.

12. Order Dasti under signatures of the Court Master. AUGUST01 2019 rk SANJEEV SACHDEVA, J BAIL APPLN. 2918/2018 Page 3 of 3