

Anshu Tyagi vs The State (Govt Of Nct Of Delhi) on 10 December, 2020

Author: Vibhu Bakhru

Bench: Vibhu Bakhru

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IN THE HIGH COURT OF DELHI AT NEW DELHI

BAIL APPLN. 2918/2020

ANSHU TYAGI

..... P
Through: Mr Deepak Tyagi, Advocat

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Ms Kusum Dhalla, APP for State.

Complainant is present in person.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% 10.12.2020 [Hearing held through videoconferencing]

1. The petitioner has filed the present application seeking anticipatory bail in FIR No. 899/2020 under Section 376/506 IPC registered with PS Bindapur, Delhi.

2. The said FIR was registered at the instance of a young woman aged approximate 30 years. She stated that she had been living separately from her husband for the past five years along with her son. She alleged that about five months prior to registration of the FIR, she became acquainted with the petitioner who was, at the material time, working as a cashier in the office. She stated that thereafter, they started talking to each-other. She states that she told him that she was married but her husband had left her about five years ago. She also informed him of her residential address. She alleges that on 09.02.2020, the petitioner visited her house along with a large number of gifts. He professed his love for her and also promised that he would get married to her. She stated that he started emotionally blackmailing to her and said that he would get married to her after her divorce and till then she should live with him. She alleges that on that day, 09.02.2020, he established physical relations with her by showing her prospects of marriage and assuring that he would also look after her child. She stated that from 20.03.2020 they started living together and their relationship was as husband and wife. She stated that for five months, he continued to establish physical relations with her. However, when she brought the topic of marriage, he told her that he would talk about it at his village in Ghaziabad. She stated that she went along with him to his village; met his mother and thereafter, came back to Delhi. She stated that when she started pressurizing him to get married, he told her that he would not do so and he would get married to some other

person. She alleges that he told her not to pursue him otherwise he would make her photographs viral. She alleges that he had established physical relations by emotionally blackmailing her.

3. The complainant's statement under Section 164 Cr.PC was recorded and the same was consistent with the allegations made in the FIR.

4. It is stated that initially the petitioner could not be traced. But in compliance with the orders passed by this Court on 30.09.2020, the petitioner joined the investigation on 03.10.2020. The status report indicates that he was thoroughly interrogated. He was also medically examined and his blood samples were collected. After completion of the investigation, a final chargesheet under Section 376/506 was filed before the concerned Court.

5. There has been no recovery of any obscene or objectionable photographs of the complainant from the petitioner.

6. The complainant joined the proceedings and was heard. She stated that the petitioner had humiliated her and therefore, the present application for anticipatory bail ought to be rejected. She stated that he has been in touch with her even after the FIR was registered but he was not clearly communicating with her as to what he wants. She submitted that sometimes he indicates that he wants to be with her and on other occasions he appears unsure. She stated that insofar as she is concerned, she wants to get married with him. And, she finds his conduct very humiliating.

7. At this stage, given the limited scope of the present proceedings, this Court is refraining from making any observations regarding the allegations made by the complainant or whether the offences as alleged are disclosed. However, given the facts and circumstances of this case, this Court is considers it apposite to allow the present petition.

8. The petitioner shall be released on bail, if arrested, on his furnishing a personal bond in the sum of 5,000/-. This is also subject to following further conditions:

(i) That the petitioner shall not contact the complainant directly or indirectly;

(ii) The petitioner shall not leave the National Capital Territory of Delhi without informing the concerned IO; and

(iii) The appellant shall provide a contact number to the concerned IO/SHO and ensure that he is reachable at it at all times;

9. The petition is allowed in the aforesaid terms.

VIBHU BAKHRU, J DECEMBER 10, 2020 RK