

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 1788/2008

KAPIL DEV SHARMA Petitioner
Through: Mr. C.S.S. Tomar, Adv.

versus

STATE Respondent
Through: Mr. Lovkesh Sawhney, APP.
SI Jawahar Singh,
PS New Usmanpur.

CORAM:
HON'BLE MS. JUSTICE ARUNA SURESH

ORDER
15.09.2008

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Prosecutrix Neha Saini was taking tuition classes from the accused about 1½ years prior to the date of the incident. Petitioner used to teach her Mathematics and Science. It is alleged by the prosecutrix in the supplementary statement recorded under Section 161 Cr.P.C. as well as in the statement made before the trial court under Section 164 Cr.P.C. that Petitioner had forced sexual relationship with her and had also taken her photographs in his mobile phone. He started blackmailing her by showing the said photographs. She was allegedly kidnapped by the Petitioner on 24.7.2006 and she along with the Petitioner had been visiting places like Mathura by bus and from Mathura she accompanied the

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4

Petitioner and travelled by rail to Bhopal, from Bhopal to Nasik where she stayed with him for two days. From Nasik she along with Petitioner went to Shirdi, where she was kept for four days. She was brought back to Delhi by the Petitioner via Mathura. In Delhi, she was allegedly kept in a separate house at Sonia Vihar. During all this period, petitioner had physical relationship with her allegedly against her wishes.

In the said statement, she also alleged that one day Petitioner took her to an Advocate where she was made to make a false statement against her parents and she was forged to sign the said complaint. At the instance of the lawyer, she also got her age determined and she was again taken to Mathura.

In her initial statement recorded under Section 161 Cr.P.C., the prosecutrix did not implicate any person for her running away from her house on 24.7.2006. Rather according to the said statement, she left the house because of ill treatment which was being given to her by her family members. She carried with her Rs.2,000/- in cash and her clothes when she left her house. Till then Petitioner was not known to her. As per her statement she came back from Mathura on 17th August, 2006 when she made her statement under Section 161 Cr.P.C. before the Investigating Officer.

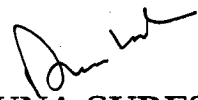
Considering the contradictory statements made by the prosecutrix and also the fact that she and her father have been

5

examined as prosecution witnesses and also the fact that Petitioner is in custody for the last about two years, petition is allowed. Petitioner is ordered to be released on bail on his furnishing Personal Bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the trial court/Duty M.M..

Attested copy of the order be sent to the trial court as well as to the State.

SEPTEMBER 15, 2008
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ARUNA SURESH, J.