

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

% *Judgment Reserved on: June 07, 2013*
Judgment Pronounced on: June 11, 2013

+ **Bail Appl. No.988/2013**

SWAMI RAGHUVANSH PURI Petitioner

Through Mr.Keshav Kaushik, Adv. with
Mr.Govind & Ms.Anita P.Singh,
Adv.

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through Mr.M.N.Dudeja, APP for the State.
Mr.Himanshu Mehra, Adv. for
complainant, Kavita Batra along
with said complainant in person.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

MANMOHAN SINGH, J.

1. The petitioner has filed the abovementioned second anticipatory bail application under Section 438 read with Section 482 Cr.P.C. after the order of dismissal of the bail application dated 22nd May, 2013 passed by the learned Addl. Sessions Judge, in case FIR No.89/2013, dated 26th March, 2013, under Sections 375(e)/354A(1)(i)(ii)(iii) IPC, registered at Police Station Ashok Vihar, New Delhi.
2. The date of occurrence of the alleged offence is in between 12th to 26th March, 2013. FIR was registered on 26th March, 2013. The petitioner denied all allegations made by the complainant.
3. Earlier between 18th April, 2013 to 25th April, 2013 the interim protection granted was withdrawn by order dated 25th April, 2013 when the petitioner's anticipatory bail application was dismissed as withdrawn before the learned Addl. Sessions Judge. Thereafter, the petitioner's application for

grant of anticipatory bail was disposed of by this Court by order dated 13th May, 2013 directing the petitioner to avail of the remedy before the Sessions Court. Therefore, the petitioner filed the second application for grant of anticipatory bail which was dismissed by the Court of Dr.Kamini Lau, Addl. Sessions Judge-II (North-West), Rohini Courts, Delhi by the impugned order dated 22nd May, 2013. Now, the present application for anticipatory bail has been filed by the petitioner.

4. Notice of the same was issued to the State. The status report has been filed which indicates that the investigation in this case is under progress and custodial interrogation of the petitioner/accused is required. The raids have also been conducted at his address of Haridwar, but the petitioner could not be traced and is still absconding. It is further mentioned in the report that the audio recordings, recorded by the complainant, clearly shows that the petitioner had demanded sexual favour from her.

5. Brief facts which gave rise to the recording of the abovementioned FIR are that the petitioner, who is a spiritual guru, molested the complainant. In the month of July, 2012, on the day of 'Guru Purnima' the complainant went to meet the petitioner/accused when he expressed his desire to have sexual relations with the complainant.

6. The complainant had disclosed this fact to her mother and sister. She had also recorded 6-7 phone calls of the petitioner expressing his desire of having sex with her. It has been specifically alleged that on 12th March, 2013 on the call of the petitioner, the complainant again went to meet him at about 2.30 p.m. when he was alone in the room with upper portion of his body as naked and was wearing lungi only and as soon as she entered, the petitioner forcibly put his one hand on her chest and other at hips. She started raising alarm, the petitioner left her and she went out from the room.

7. During investigation, statement under Section 164 Cr.P.C. was recorded on 29th March, 2013. The statements of witnesses have also been recorded under Section 161 Cr.P.C. The petitioner was residing in Vaidyanath Mahadev Mandir, F-Block, Ashok Vihar, Delhi where raids were conducted and persons, who were found residing with him in the temple, have been interrogated along with eye-witness of this incident and the mother-in-law of the complainant. The petitioner is, allegedly, residing at Haridwar, Uttaranchal. Raid was also conducted at that place, however, the petitioner could not be traced at his address of Haridwar. He is absconding. Efforts were being made by the Agency to trace him. Non-bailable warrants have also been obtained from the trial Court.

8. According to the prosecution, the investigation in this case is under progress and the custodial interrogation of the petitioner is required. Earlier, two bail applications of the petitioner have already been dismissed. Another anticipatory bail application of the petitioner was dismissed by this Court on 13th May, 2013.

9. The main argument of the petitioner's counsel is that Section 354(1) (i)(ii)(iii) of IPC is bailable in nature and Section 375(e) IPC is no longer in existence as per the criminal law (Amendment) Act, 2013. Therefore, it is a bailable offence and the petitioner is entitled for anticipatory bail. Learned counsel for the petitioner has also denied all the allegations levelled against the petitioner. According to him, these allegations are wrong and actually, the husband of the complainant has given a cheque to the petitioner for a sum of ₹5 lacs and in a pre-planned manner, the complainant and her husband asked for the return of said cheque and on his refusal, the present false complaint was made against him.

10. As far as the first argument of the learned counsel for the petitioner is concerned, said aspect has already been dealt by the Learned Addl. Sessions Judge-II (North-West), Rohini Courts, Delhi in her order dated 22nd May, 2013 and at page-2 of the order. I agree with the findings given by the learned Judge.

11. With regard to the second argument, said issue is being investigated as the Investigating Officer has made efforts to verify the same, whether the husband of the complainant has issued the said cheque to the petitioner or otherwise, the same has to be gone into after the petitioner is interrogated by the Investigating Officer. Therefore, it has been rightly mentioned that the Investigating Officer in the matter needs custodial interrogation which is required and the petitioner is not cooperating in the investigation who has virtually absconded (not being found at any of the places of his residence and non-bailable warrants having been issued against him). It has also come on record that the audio recordings recorded by the complainant show that the petitioner has demanded sexual favour from her.

12. At this stage, it is not necessary to express any opinion on complaint made by the complainant. If the allegations are proved to be true, then it is a matter of seriousness. Swami Raghuvansh Puri is not available at the addresses in Delhi and Haridwar. He is not joining the investigation. No doubt, the matter is under investigation which is yet to be completed.

13. Keeping in view the conduct of the petitioner and the nature of allegations made by the complainant coupled with the fact that the investigation is still at the initial stage for which the petitioner's custodial interrogation is necessary as per the case of the respondent and he is not coming forward for the purpose of investigation, I am of the view that the

application for grant of anticipatory bail of Swami Raghuvansh Puri, the petitioner, is liable to be dismissed. Ordered accordingly.

**MANMOHAN SINGH
(VACATION JUDGE)**

JUNE 11, 2013/ka