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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 87/2020, CRL.M.(BAIL) 63/2020 &CRL.M.A.
7267/2020

HEMANT NAYYAR

.....Applicant

Through: Mr. Shailendra Babbar and Ms.Manisha
Parmar, Advocates.

Versus

STATE

.....Respondent

Through: Mr. Ashok Kumar Garg, APP for State.
with Inspector Bhupesh Kumar, PS
Paschim Vihar with W/SI Suman with
the Prosecutrix from Nirmal Chhaya
Mr. Amanullah, Advocate.

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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21.07.2020

(hearing through Video Conferencing)

- 1) The prosecutrix has been produced through Video Conferencing by Inspector Bhupesh Kumar, PS PaschimVihar alongwith W/SI Suman and they are presently present at Nirmal Chhaya with the prosecutrix.
- 2) The applicant vide the present application has sought the grant of bail under Section 439 of the Cr.P.C. in relation to the alleged offence stated to have been committed under Section 328/376D/377/506/34 of the Indian Penal Code, 1860 and under Sections 6 & 12 of the POCSO Act, 2012 and Section 67B of IT Act, 2000.
- 3) Mr.Amanullah, Advocate is present who has put his appearance on behalf of the prosecutrix and seeks discharge in as much as the

prosecutrix present today through Video Conferencing submits that she has not engaged Mr.Amanullah and that the counsel was engaged by those who made her to do whatever she has done. The FIR in the instant case has been lodged on the complaint of the prosecutrix itself on 28.6.2019.

4) During the course of submissions that have been made on behalf of the applicant it had been repeatedly sought to be asserted that the applicant has been falsely implicated in the instant case. A submission was also made on behalf of the applicant that there were repeated calls received by the father of the applicant to the extent of four whatsapp calls from numbers 8800780676 and 9354304106 wherein the callers are stated to be the associates of the prosecutrix and had been forcing the father of the applicant to withdraw the bail application and compromise the matter and had also been forcing the family of the applicant to withdraw the bail application in relation to which the response of the State was called for after verification of the said submissions.

5) On 17.6.2020, when these submissions were made on behalf of the applicant, on behalf of the complainant it was submitted that the averments made in CRL.M.A. 7267/2020 in relation to forcing the applicant's family to compromise were erroneous.

6) The status report was submitted by the State in terms of the proceedings dated 17.6.2020 and a submission was made on the date on 29.6.2020 on behalf of the petitioner that the call details of the petitioner and of the CCL, the younger brother of the petitioner have not been chosen to be verified by the Investigating Agency and that the verification of the same would have unravelled the truth of the matter. The status report that had been submitted indicated that in relation to ***FB ID's and Password*** of the present applicant Hemant, the CCL 'HI' and

CCL 'R' as well as the complainant 's records, the reply from the Facebook was yet awaited and that the supplementary charge sheet in the matter was to be filed after receiving the reply from the Facebook.

7) Submissions on 29.6.2020 were inter alia made on behalf of the petitioner on the conversation that had taken place between the prosecutrix and persons namely Adarsh, Sahil Mishra and Keshav on Facebook and Whatsapp, in relation to which the documents were placed on the record along with the present petition with the specific verification report in relation to the said documents placed at Annexure, I, J, K, L & M (Colly) (at pages 250 to 296 of the petition) and a verification was called for in relation thereto with directions to the State to submit the verification in terms of the status report dated 13.06.2020 from the Facebook data between the petitioner and the CCL H1 and CCL R and the complainant.

8) A submission was also made on behalf of the petitioner that the prosecutrix through her statement under Section 164 of the Cr.P.C. which had been recorded earlier had stated in relation to the aspect of the absence of the parents of the petitioner at the residence of the petitioner on the date of the alleged commission of the offence i.e. 28.06.2019 which the petitioner refuted and thus the call detail records of the parents of the petitioner with their mobile numbers being 9999920316 & 8527266405 for the date 28.06.2019, a verification report in relation thereto was called for from the State. **The status report dated 17.7.2020 filed by the State in terms of the proceedings dated 29.6.2020 inter alia indicated that efforts were being made to trace the prosecutrix**

(H) and once she was traced out, further investigation would be carried out in that regard.

9) A submission was made on 20.7.2020 on behalf of the State that the prosecutrix has been traced out and her statement under Section 164 of the Cr.P.C. has been recorded on 19.7.2020.

10) **The copy of the statement under Section 164 of the Cr.P.C. has been placed on record by the State. The prosecutrix who was examined by this Court but without oath, in the circumstances of the case, despite her age being 17½ years, as produced from Nirmal Chhaya, has stated that she is 17½ years of age and in reply to a specific Court query has stated that she does not oppose the prayer made by the applicant seeking the grant of bail. In reply to a specific Court query whether she had been raped by the applicant, the prosecutrix has stated that she has not so been raped by the applicant. In relation to her averment made in her statement dated 19.7.2020 before the duty MM-02 to the effect that she had been made to implicate Hemant, Hitash and Rakesh by one Sonu, she asserted that the statement made by her on 19.7.2020 and the contents thereof were correct. In reply to a specific Court query to her as to whether she was under any duress to make the statement that she made today in reply to specific queries put by this Court, she has declined the same. In response to the specific Court query she also responded that on 18.7.2020 she was at Nirmal Chhaya. (*This examination of the prosecutrix was done by putting other participants of the hearing being conducted through video conferencing, in the lobby.*)**

11) On behalf of the State, the APP for the State submits that in view of the change of the scenario by the statement of the prosecutrix dated

19.7.2020 under Section 164 of the Cr.P.C, 1973 before the learned Duty MM, the State does not oppose the grant of bail to the applicant and further investigation would decide the further course of action.

12) The status report dated 17.7.2020 which has been put forth by the State under the signatures of Inspector K.B.Jha, SHO, PS Paschim Vihar (East), New Delhi reads to the effect:

"In the continuation of previous Status Report it is further submitted that as per the directions of the Hon'ble High Court investigation related to the Whatsapp/Facebook Chat between the prosecutrix and persons namely Adarsh, Sahil Mishra and Keshav has been carried out. That during the course of investigation Adarsh Singh S/o Sh. Santosh Singh R/o House No E- 345/ First Floor, Near Vaishno Mata Mandir, Madipur, Delhi age 19 1/2 years was interrogated who stated that he and CCL (HI) are school friends. They are friends on Facebook also. On dated 22-06-2019 he received message from prosecutrix (H) through Facebook messenger. She asked him whether he is friend of CCL (HI). He replied yes. On this she asked mobile number of CCL (HI). He did not give mobile number of CCL (HI) to prosecutrix. After that he received many calls through Facebook messenger from prosecutrix but he did not answer. She always used to request him to tell CCL (HI) to come online. On 29-06-2019 he asked prosecutrix that how do you know CCL (HI) on this she replied that she is friend of CCL(HI). After that he never had any communication with her.

That, Sahil Mishra S/o Sh. Deepak Mishra R/o A 5/360, Paschim Vihar, New Delhi, age 20 years revealed that CCL(HI) and present petitioner are his neighbour and friends. They are his Facebook friends also. On 25-06-2019 for the first time he received message "Hi" on Facebook Messenger from prosecutrix. She

requested him "MERI CCL (HI) SE BAAT KARVA DO". But he did not do so. On 20-00-2010 she told him that she has communicated with CCL (HI). She further stated that CCL (HI) is neither answering to her calls nor he is replying to her chats. On dated 24-07-2019 prosecutrix sent his message on Facebook Messenger she does not have mobile number and address of CCL (HI) and was asking the same from him and further requested him to tell CCL (HI) to come online. That on the same day at about 9.30 PM prosecutrix informed him on Facebook Messenger that she has got number of CCL (HI).

That, Keshav Garg S/o Sh. Dinesh Garg R/o A-5,26] , Paschim Vihar, New Delhi age 20 years revealed that he was friend with prosecutrix on Facebook. She was curious to know about nature of CCL(HI). On 22-07-2019 prosecutrix called him to district Park, Paschim Vihar. When he went to District Park, Paschim Vihar prosecutrix, CCL(HI) and present petitioner were also present there. CCL(HI) told him that he had been communicating with him through Facebook Messenger by using ID of prosecutrix. Me further told him that why he is talking to his friend. If he wants his girlfriend then he can take her. After that he stopped talking to them. That, on the same day prosecutrix had a Whatsapp chat with him and was asking about the nature of CCL(HI). On 26-07-2019 prosecutrix called him at District Park, Paschim Vihar where he remained with her for two hours. She narrated to him about alleged incident dated 28-06-2019 with present petitioner and his brothers CCL(HI) and CCL (R). He further stated that prosecutrix requested him to call the present petitioner to District Park, then she will take live locations and thereafter she will file police complaint. That, perusal of the Whatsapp Chat of Keshav Garg revealed that on 25-07-2019 prosecutrix texted him on whatsapp which is as under:

Prosecutrix- Aap yeh batao ki us din jo maine aapko bataya tha ki meri kuch photos h uss ke pass aapne use bataya h kya.

Keshav- nahi mai kyun bataunga mujhe kya matlab or dusri baat meri baat hi nahi hui uske baad.

Prosecutrix-Plzz hui hai koi baat to batao m bht badi problem m fss chuki hun.

Keshav- kasam se koi baat nhi hui mere. Meri. Saach me.

Prosecutrix- thk h pr suno meri ek hlp kr sakte ho choti se. Plz mana mat karna.

Keshav- Bolo.

Prosecutrix- Agar meri massi ya bhen apse bt kre calling p to kya yeh bol sakte ho ki mene apko saari bt btayi thi CCL(HI)ko leke.

Prosecutrix- Ki vo mereko blackmail kra tha un photos or videos ko leke.

Keshav- nahi mai beech mai fas jaunga.

Prosecutrix- Sirf Puchenge to ap batadena or kuch mt kehna vo puchenge.

Keshav- Ok

Prosecutrix- Plz hip krdo ye bas.

Keshav- Ok.

That, further it is evident from the Whatsapp Chat of Keshav Garg that on 25-07-2019 prosecutrix was requesting mobile number of present petitioner and CCL (HI) from him. When she kept on insisting Keshav Garg, he gave mobile number of the Petitioner to prosecutrix and on 26-07-2019 prosecutrix met him at Paschim Vihar near District Park at 4- 5 PM in the evening and they remained together for over two hours.

That CCL (R) and CCL (HI) were also interrogated in presence of Gulshan Nayyar (Father of the Petitioner and CCL HI). The CCL(R) revealed that CCL(HI) and present petitioner are his

cousin brothers. He is mutual friends with them on Facebook also. He is operating this account from the last 4/5 years. His Facebook profile photo and that of present petitioner Hemant displays photographs of all three of them (CCL(R), CCL (HI) and Hemant). That on 23-06-2019 he received message "Hi" on Facebook Messenger from prosecutrix and she further asked mobile number of CCL (HI). He never replied to her messages on Facebook Messenger. He is still operating his Facebook Account/ID by using mobile number 8375880036. He has never met prosecutrix till date. CCL (HI) revealed that he had received request of prosecutrix on Facebook in the month of April or May 2019. He accepted the same and after that they started messaging and calls on Facebook Messenger. His Facebook profile photo is with his cousin brother CCL (R) and till dated it is the same. Rarely he used to go online on Facebook Messenger and during that period prosecutrix started calling his friends and cousins. She always used to request them "tell CCL(HI) to come online. Then he used to come online and use to Chat with her. She always used to ask his mobile number from his friends and brothers. He identified the Chat between the present petitioner and prosecutrix. He further told that he did not meet prosecutrix on 28-06-2018 as his parents were at home.

That, with respect to CDR locations it is further stated that mobile number 9999920316 is registered in the name of Mr. Gulshan R/o A5/301, Paschim Vihar, New Delhi. That on 28-06-2019 location of subscriber of the said mobile phone from 09.37 AM to 10.16 PM is at Paschim Vihar only. There has been no change in location. The Latitude and longitude were 28.67778 and 77.105 i.e Paschim Vihar near Balbir Singh Marg, Paschim Vihar.

That mobile number 8527266405 is registered in the name of Smt. Laxmi R/o A5/301, Paschim Vihar, New Delhi. That on 28-06-2019 location of subscriber of the said mobile phone from 06.42 AM to 23.09 PM is at Paschim Vihar only. The Latitude and longitude were 28.67456/77.10342 from 6.42AM to 6.49 AM and 28.67845/77.10213 from 10.58 AM to 23.09 PM i.e A-5 Block

Paschim Vihar, New Delhi and Paschim Vihar.

That Mobile number 9971930408 was used by the petitioner Hemant. His location for 28-06-2019 is as under:-

Time	Location First Cell ID	Latitude	Longitude	Location as per Lat/Lon
06:18:14	Pascim vihar a-5 X,A5/10,Paschim Vihar, New Delhi -63	28,67456	7710342	A/5 Block, Paschim Vihar
06:18:59	Paschim Vihar West,Outer Terrace Area On Platform No.1, Paschim Vihar West Metro Station, New Delhi-110063	28,67845	77,10,213	Near Rohtak Road, Paschim Vihar
06:32:01	Paschim Vihar West, Outer Terrice Area On Platform No-1,Paschim Vihar West Metro Station, Delhi	2867845	77.10213	Near Rohtak Road, Paschim Vihar

06:32:25	Paschim Vihar West,Outer Terrice Area On Platform No-1,Paschim Vihar West Metro Station, Delhi	28.67845	77.10213	Paschim Vihar Near Rohtak Road,
06:50:46	Pascimvihara-5, A5/10, Paschim Vihar, New Delhi- 63	28.67456	77.10342	A/5 Block, Paschim Vihar
06:53:53	Pascimvihara-5 X, A5/10, Paschim Vihar, New Delhi - 63	28.67456	77.10342	A/5 Block, Paschim Vihar
09:02:58	Pascimvihara-5, A5/ 10, Paschim Vihar, New Delhi- 63	28.67456	77,10,342	A/5 Block, Paschim Vihar

10:03:34	Pascimvihara-5, A5/ 10, Paschim Vihar, New Delhi- 63	28.67456	77,10,342	A/5 Block, Paschim Vihar
10:21:42	Paschim Vihar West, Outer Terrace Area On Platform No.1, Paschim Vihar West Metro Station, New Delhi- 110063	28.67845	77.10213	A/5 Block, Paschim Vihar
11:56:18	Paschim Vihar West, Outer Terrace Area On Platform No.1, Paschim Vihar West Metro Station, New Delhi- 110063	28.67845	77.10213	A/5 Block, Paschim Vihar

16:30:10	Paschim Vihar West, Outer Terrace Area On Platform No.1, Paschim Vihar West Metro Station, New Delhi- 110063	28.67845	77.10213	A/5 Block, Paschim Vihar
17:13:29	Paschim Vihar West, Outer Terrace Area On Platform No.1, Paschim Vihar West Metro Station, New Delhi- 110063	28.67845	77.10213	A/5 Block, Paschim Vihar
17:20:29	Paschim Vihar West, Outer Terrace Area On Platform No.1, Paschim Vihar West Metro Station, New Delhi- 110063	28.67845	77.10213	A/5 Block, Paschim Vihar

23:30:23	Paschim Vihar West, Outer Terrace Area On Platform No.1, Paschim Vihar West Metro Station, New Delhi- 110063	28.67845	77.10213	A/5 Block, Paschim Vihar
23:30:24	Paschim Vihar West, Outer Terrace Area On Platform No.1, Paschim Vihar West Metro Station, New Delhi- 110063	28.67845	77.10213	A/5 Block, Paschim Vihar

That Mobile number 8375880036 was used by the CCL(R). His location for 28-06-2019 is as under;-

Time	Location First Cell ID	Latitude	Longitude	Location as per Lat/Lon
10:15:34	Wd_Hari_Nagar_6 042,Wz Be 26A Hari Nagar, New Delhi	28.62583	77.11722	Gurudwara Rd, Nanak Pura, Hari Nagar, New Delhi, Delhi 110027

12:12:45	Wd_Hari_Nagar_6 042,Wz Be 26A Hari Nagar, New Delhi	28.62583	77.11722	-do-
12:28:35	Wd_Hari_Nagar_6 042,Wz Be 26A Hari Nagar, New Delhi	28.62583	77.11722	-do-
12:51:00	Wd_Hari_Nagar_6 042,Wz Be 26A Hari Nagar, New Delhi	28.62583	77.11722	-do-
12:51:02	Wd_Hari_Nagar_6 042,Wz Be 26A Hari Nagar, New Delhi	28.62583	77.11722	-do-
12:1:05	Wd_Hari_Nagar_6 042,Wz Be 26A Hari Nagar, New Delhi	28.62583	77.11722	-do-
13:49:17	Wd_Hari_Nagar_6 042,Wz Be 26A Hari Nagar, New Delhi	28.62583	77.11722	-do-

17:05:04	Wd_Hari_Nagar_6 042,Wz Be 26A Hari Nagar, New Delhi	28.62583	77.11722	-do-
19:44:41	Wd_Hari_Nagar_6 042,Wz Be 26A Hari Nagar, New Delhi	28.62583	77.11722	-do-
20:01:37	Wd_Hari_Nagar_6 042,Wz Be 26A Hari Nagar, New Delhi	28.62583	77.11722	-do-
20:19:23	Wd_Hari_Nagar_6 042,Wz Be 26A Hari Nagar, New Delhi	28.62583	77.11722	-do-
20:26:04	Wd_Hari_Nagar_6 042,Wz Be 26A Hari Nagar, New Delhi	28.62583	77.11722	-do-

That, CDR of the prosecutrix contains no entry, no incoming or outgoing calls have been made or received. As per the CDR of the petitioner and CCL (HI) no call has been received on 28-06-2019.

Further, with respect to the Facebook details it is submitted that reply from Facebook has been received. Facebook has provided IP Logs of Hemant; the present petitioner, CCL(HI)and CCL (R.) and prosecutrix.

That from the perusal of the IP Logs of Hemant present petitioner it is revealed that after 14-06-2019 he had operated his account on 14-07-2019 and the account has not been accessed during the period of the alleged incident. Therefore, his location during that period could not be ascertained for that period.

That from the perusal of the IP Logs of CCL (R) it is revealed that after 22-06-2019 he had operated his account on 11-07-2019 and the account has not been accessed during the period of the alleged incident. Therefore, his location during that period could not be ascertained for that period.

That from the perusal of the IP Logs of CCL (HI) it is revealed that after 23-06-2019 he had operated his account on 16-07-2019 and the account has not been accessed during the period of the alleged incident. Therefore, his location during that period could not be ascertained for that period.

That from the perusal of the IP Logs of the prosecutrix it is revealed that on 28-06-2019 she had operated her account at 18.49 PM. The IP address allotted to her at the Lime when she accessed her account was 42.111.14.245. On the basis of the IP address and with the help of IP Locator tool Latitude and Longitude were found to be 28.6504/7702372. As per the Latitude and Longitude her location was found to of Meena Bazar, near Zama Masjid but this IP address is Dynamic and keeps on changing. However, for exact/correct location at that time letter has been written to the service provider.

That, Father of the petitioner Sh. Gulshan Nayyar produced photographs of the lady and the boy who had visited his house on 30-05-2020.

That, during the course of investigation prosecutrix had submitted medical records/treatment papers one Amrit Kaur age 47 years by saying that her mother is suffering is from Cancer and these documents are of her mother. Following documents were submitted by her.

1. Prescription slip in the name of one Neeru age 47 Years issued by Dr. Ajay Aggarwal, who is running his Diabetes, Thyroid and Hormone Centre from 22/2 Shakti Nagar. New Delhi.

2. Report of Dr. Lal Path Lab dated 30-07-2019 in the name of Amrit Kaur.

3. MRI Brain for (SELLA) dated 19-09-2018 in the name of Mrs. Amrit Kaur.

That all the above said documents were verified and found to be genuine. Dr. Ajay Aggarwal revealed that he has been treating Mrs. Amrit Kaur for more than 10 years. She has been taking treatment from him. He further stated that Mrs. Amrit Kaur/ Neeru is suffering from Non Malignant Tumour in Pituitary Gland in brain- Non cancerous and the same is not life threatening. He advised Serum and Proclactin Test and MRI brain. He was further shown the photograph of the lady wearing grey top and Black pant who had come to the house of the father of the petitioner. He identified the lady to be the same Amrit Kaur, her patient who has been taking treatment from him for a period of more than 10 years. He also identified the photograph of the lady (Amrit Kaur) on CAP of Mobile Number 8800780676 which is of her patient Amrit Kaur. That report of Dr. Lal Path lab and PS Medisan were also found to be true and genuine which were also in the name of Amrit Kaur.

That, during the course of investigation house of Amrit Kaur was again visited. But it was learnt that she has shifted from her house i.e H.No. T-26, IInd Floor, Nihal Vihar, Delhi. Efforts were made to trace her whereabouts in the Nihal Vihar. Ultimately, her new address was located i.e T-12, First Floor (above upper ground floor) Nihal Vihar, Near Guru Harkishan Public School with the

help of locals of the locality but her house was found to be locked. That, on 16-07-2020 she was tracked and she along with her son Amandeep were made to join investigation. Initially both of them tried to mislead the investigation but when they were confronted they disclosed the truth. Amandeep S/o Lt. Sardar Manmohan Singh disclosed that he is a driver by profession and knows prosecutrix (H) for the last three years as she use to reside above her house on the first floor at Laxmi Nagar, Delhi. He developed friendship with her. That, in the year 2018 he shifted along with prosecutrix (H) to Nihal Vihar and started living on rent. After some time his mother also started living with them at Nihal Vihar. During one of his taxi drive he met one Sonu@ Rajbir R/o Paschim Vihar as passenger and had dropped him at Paschim Vihar from Rohini. They exchanged their mobile numbers. He became friendly with Sonu. Thereafter, Sonu also visited his house. That one day Sonu called him at Mc Donald restaurant at Paschim Vihar and told him that he wants to get a false FIR to be registered against three boys at Paschim Vihar as there is property dispute between their father and their Bua's for which he will be needing help of prosecutrix (H). Sonu also offered him 4 lacs Rs for the same and told that Rajiv Mishra and some other people tire also involved in this, initially he refused but later on agreed. Thereafter, Sonu met them several times and guided prosecutrix(H) about what is to be done and how it is to be done. That, at the instance of Sonu prosecutrix (H) sent a Facebook request to Hitansh and started chatting with her. As per the directions of Sonu prosecutrix (H) wrote a complaint. The said complaint was read and approved by Sonu. After that he along with Sonu, prosecutrix (H), Kuldeep Kaur and along with two other ladies to Police Station Paschim Vihar East. He along with Sonu remained outside the police station. Kuldeep Kaur along with other ladies took prosecutrix (H) to Police Station where prosecutrix(H) filled the complained. Whenever prosecutrix(H) was called in the High Court he used to take her to Court on his bike and Sonu along with Gattu followed them on Scooty. He along with Sony used to remain outside the Court and Gattu used to take prosecutrix (H)

inside the Court. On 30.05.2020 his mother made a whatsapp call from her mobile number 8800780676 on the mobile number 9999920316 of Gulshan and requested him to meet. On the same day he along with this mother and sister Jasmeet Kaur went to Paschim Vihar and called Gulshan to meet. Accordingly, they met Gulshan and asked him to settle the matter. Prior to this in the month of the March he had made a call from the mobile of a Ricksaw puller on the mobile of Gulshan and asked him to settle the matter. Further, Sonu took him and prosecutrix (H) to the house of Hitansh and Hemant and showed his house to them to ensure that they remember the location of the house. Amrit Kaur also disclosed similar facts.

That, Sh. Gulshan Nayyar, father of the petitioner also identified the lady Amrit Kaur and Amandeep Singh and told that they are one had visited his house on 30-05-2020 and were asking him to settle the case.

That, efforts are being made to trace the prosecutrix (H) and once she is traced further investigation will be carried out in the regard.

Further, FSL result of the above exhibits is still awaited and the same will be filed in the court along with outcome of the further investigation.

However, the undersigned is ready and willing to abide by all the orders/directions passed by the Hon'ble Court."

13) On behalf of the petitioner, it has been submitted that guidelines be laid down in relation to the manner in which investigation needs to be conducted under the cases of the instant kind in relation to alleged rape where the liberty of young accused i.e., young boys is involved. Taking into account the factum that the FIR in the instant case was lodged on the complaint of the prosecutrix and statement under Section 164 of the

Cr.P.C. recorded initially on 29.7.2019, there were allegations that had been brought forth inter alia in relation to the applicant with a complete volte face by the prosecutrix now presently it is not considered appropriate to direct beyond directing to the effect that the State shall ensure that a fair and impartial investigation in the matter is conducted. However, it is imperative that the Investigating Agency at the time of conducting the investigation takes into account the presence of persons alleged at the spot by verifying their call details and electronic evidence inclusive of persons whose presence at places is mentioned by witnesses through their statements which would undoubtedly give aid in conducting proper investigation. These specific directions be communicated to the Commissioner of Police, New Delhi.

14) The learned APP for the State has already submitted that after further investigation is conducted, the future course of action would be decided in the matter. In the circumstances, the applicant is allowed to be released on bail on his furnishing personal bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the Jail Superintendent with directions with further directions that:

he shall make no contact with the prosecution witnesses;

he shall commit no offence whatsoever;

he shall drop a pin on the Google map to keep his mobile location on at all times to the Investigating Officer of the case.

15) The petition and the accompanying applications stand disposed of.

16) A further submission is also made on behalf of the petitioner and by the learned counsel Mr.Amanullah who had sought discharge on behalf of the complainant submitting to the effect that the complainant submits that she has not engaged him submitting to the

effect that the guidelines and parameters be laid down even in relation to the aspect of the complaints that are file by the alleged victims in cases as in the instant case. Qua the said submission, it is essential to observe that as observed herein above there are two statements under Section 164 of the Cr.P.C. of the prosecutrix on the record in the instant case, the aspect of the veracity which cannot be gauged presently as it is submitted on behalf of the State that further investigation would be conducted in the matter.

17) As regards the prayer as made on behalf of the petitioner that the investigation in the present matter be monitored so that the guidelines may be laid down for appropriate investigation and in the kind of cases so that there are no false implications, presently, the application having already been disposed of with the order herein above, it can only be directed and is directed to the effect that on conclusion of investigation it would be open to either side to seek redressal in relation to their claims qua their personal liberties and rights allegedly assaulted and infringed, in accordance with law.

ANU MALHOTRA, J

JULY 21, 2020

Sv