

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

DECIDED ON : FEBRUARY 03, 2015

+ BAIL APPLN. 2158/2014

VIKAS RANA

..... Petitioner

Through : Mr.Siddharth Aggarwal with
Mr.Vaibhav Sethi, Mr.Vinayak
Bhandari and Mr.Gaurav Kakkar,
Advocates.

versus

STATE

..... Respondent

Through : Ms.Kusum Dhalla, APP.
Mr.G.Tushar Rao with Mr.Kumar
Ranjan, Mr.A.Singla, Advocates for
the complainant along with
complainant present in person.

+ BAIL APPLN. 2256/2014

NAVEEN RANA

..... Petitioner

Through : Mr.Siddharth Aggarwal with
Mr.Vaibhav Sethi, Mr.Vinayak
Bhandari and Mr.Gaurav Kakkar,
Advocates.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through : Mr.Navin K.Jha, APP.
Mr.G.Tushar Rao with Mr.Kumar

Ranjan, Mr.A.Singla, Advocates for
the complainant along with
complainant present in person.

CORAM:
HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (ORAL)

1. The petitioners seek anticipatory bail in Case FIR No.1558/2014 under Section 376/506/34 registered at Police Station Mehrauli. In her complaint, lodged on 30.08.2014 the prosecutrix 'X' (assumed name) stated that she joined Max Life Insurance Company as Recruitment Manager on 11.06.2010. Petitioner-Vikas Rana joined the said company in the year 2011 and subsequently promoted to the post of Senior Manager. Vikas Rana had an evil eye on her from the very inception and used to tease her. In the year 2012, while she, Vikas Rana and another colleague had gone to Singapore tour on behalf of the company, on the way to Malaysia on cruise, Vikas Rana administered her a soft drink and she became unconscious. When she regained senses, she came to know that Vikas Rana had committed rape on her person. She was threatened by the petitioner to upload the video clip on face book and U-tube and also to send it to her family members. On return to India, Vikas Rana used to call her at his rented house at DLF Phase III, Gurgaon.

He committed rape upon her person 20-25 times under the threat to make public the video clips made by him. He left Max Insurance Company subsequently but continued to talk in indecent manner on phone. Vikas Rana threatened to kill her and her family members and insisted her to take divorce from her husband and to marry him. She lodged a complaint with Gurgaon police on 06.05.2014. On 11.05.2014, Vikas Rana was called at the police station along with his brother and family members. They put pressure on her to marry Vikas Rana after divorcing her husband. It is further alleged that on 10.08.2014 also she was threatened when she declined to go at Chhatarpur on the asking of the accused Vikas Rana. When she was compelled to meet him, under threat, Vikas Rana again committed rape on her person after locking the vehicle and threatened her to withdraw the complaint.

2. Learned counsel for the petitioners urged that a false complaint has been lodged by the complainant. The petitioners have since joined the investigation. Vikas Rana is being pressurised to marry the complainant who has a son aged 8 years. No threat was ever extended to the prosecutrix. Learned counsel for the prosecutrix vehemently urged that custodial interrogation of the petitioners is required to recover video clip. Serious allegations have been levelled against the petitioners and

they do not deserve anticipatory bail. After interim protection by this Court, they had threatened the complainant on various occasions for which she has lodged complaints with the police. Learned Additional Public Prosecutor also opposed the grant of anticipatory bail to the petitioners.

3. Perusal of the record reveals that by orders dated 26.09.2014 and 15.10.2014 passed in the Bail Application Nos.2158/2014 and 2256/2014 respectively, the petitioners were granted interim protection on their undertaking to join the investigation as and when summoned by the investigating officer. The order dated 26.09.2014 was passed in the presence of the learned counsel for the complainant who had opposed the grant of protection. Subsequently, CrI.M.A.No.17957/2014 was filed for cancellation of interim protection.

4. Status report reveals that the petitioners have joined the investigation after the grant of interim protection. Vikas Rana has submitted his reply and has produced all the case properties i.e. car bearing Registration No.DL-1CQ1528, Mobile phone, Laptop before the investigating officer which has been seized. The related case property has been sent to Forensic Science Laboratory for getting expert opinion which is still awaited.

5. Admitted position is that a complaint was lodged with Gurgaon police by the prosecutrix 'X' on 06.05.2014. Contents of the instant FIR find mention in the said complaint. The complainant admittedly did not desire any action on her complaint for eight days and asked the police to arrange a meeting with Vikas Rana. It is not in dispute that applications were filed by both Vikas Rana and the prosecutrix in the said police station to report settlement between them and that both would marry after taking divorce from her husband. The said compromise reported to Gurgaon police station was even acted upon and a petition for seeking divorce by mutual consent was filed in the court of Principal Judge, Family Court, Saket by the prosecutrix and her husband Raja Prasad Singh under Section 13 (B) (I) of the Hindu Marriage Act. In the said joint petition, it was mentioned that due to temperamental differences, the prosecutrix and her husband were living separate from each other since 05.01.2010. Statement of both the prosecutrix and her husband were recorded by the Family Court and by a judgment dated 24.05.2014, First Motion Petition was allowed. Counsel for the prosecutrix when confronted specifically as to what had prompted the prosecutrix to file joint petition for seeking divorce by mutual consent, responded that it was done under pressure. This explanation simply does

not appeal to mind as the prosecutrix was before the court and there was no occasion for her to seek divorce by mutual consent. It appears that subsequent to the settlement reported before the Gurgaon police some problem arose to its execution which led to the lodging of the FIR in question on 30.08.2014. Learned counsel for the petitioners has filed on record number of SMSs and text messages exchanged between the petitioner Vikas Rana and the complainant on various dates.

6. The petitioners have denied if any threat was ever extended to 'X'. FIR No.2024/2014 dated 20.10.2014 under Section 323/341/506/34 IPC was registered at police station Mehrauli, Delhi, but there is, prima facie, nothing to show the involvement of the petitioners as it was against two 'unknown' persons. Status report does not reveal if the petitioners were involved in the said FIR. One text message SMS dated 30.08.2014 is stated to have been received from mobile phone No.7042827453. Status report reveals that ownership of the mobile phone was traced to Rohit Gupta, resident of D-23, Chatterpur Enclave who is not traceable. DD No.82-B dated 3.11.2014 has also been recorded. It is stated that all these complaints are being lodged by the prosecutrix to deprive the petitioners of the benefit of bail.

7. There is inordinate delay in lodging the FIR. It is unexplainable as to why the complaint lodged before the Gurgaon police was not taken to its logical end and why it was withdrawn after reporting settlement. The prosecutrix moving the Family Court for seeking divorce by mutual consent goes to show that the parties had attempted to act upon the settlement reported to Gurgaon police.

8. Considering the above facts and circumstances, the petitioners deserve anticipatory bail and orders dated 26.09.2014 and 15.10.2014 require confirmation.

9. Accordingly, the petitioners are granted anticipatory bail and in the event of their arrest, they shall be released on bail on their furnishing personal bonds in the sum of ₹1,00,000/--each with one surety each in the like amount to the satisfaction of the SHO/Investigating Officer with the condition that they shall join the investigation as and when required. They shall surrender their pass-ports (if any) in the Trial Court and shall not leave the country without prior permission of the court concerned. It is further ordered that they shall not contact the complainant and the prosecution witnesses and also shall not extend any threat to any of them.

10. The bail applications stand disposed of. Observations in the bail order shall not have any impact on merits of the case.
11. Copy of the order be given dasti to the counsel for the parties.

(S.P.GARG)
JUDGE

FEBRUARY 03, 2015/sa