

**IN THE HIGH COURT FOR THE STATE OF PUNJAB AND
HARYANA AT CHANDIGARH**

Criminal Misc. M 45992 of 2016 (O&M)

Date of decision: 23.12.2016

Dinesh Thakur

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr.SS Behl, Advocate,
for the petitioner.
Mr. SK Saini, AAG, Haryana.

JAISHREE THAKUR, J.

This petition has been filed for grant of anticipatory bail in FIR 108 dated 22.10.2016 under Sections 323, 376, 354 and 506 IPC. The FIR came to be registered on the basis of a complaint filed by the prosecutrix alleging that the petitioner Dinesh Thakur herein told her that he wanted to marry her. The petitioner herein called her at his home on 20th March, 2016 on the pretext that his mother wanted to talk with her regarding marriage. Upon this, she went to the house of the petitioner and when she inquired as to the whereabouts of his parents, she was informed that the parents had gone to the temple and would return soon. On that date, the accused committed a wrong act but told her not to disclose the same to anyone otherwise he would not marry her. The accused also called her to Roorkee

and administered her cold drink, upon which she became unconscious and slept. It is alleged that the petitioner accused administered some intoxicating substance in the cold drink and committed rape upon her and thereafter refused to marry her by telling her that he is having some obscene photographs. She came to know that the accused in connivance with his friends administered some intoxicating substance in the cold drink and clicked photographs, upon which the instant FIR under Section 376 IPC was registered.

Learned counsel for the petitioner argues that the petitioner has been falsely implicated in this case. It is argued that the petitioner and the prosecutrix were friends. He happened to know about the personal life of the prosecutrix that she had intimate relationship with other boys and it is on this ground that he wanted to wriggle out of the relationship, but the prosecutrix started pressuring him to get married and that is why the instant FIR was lodged. It is also argued that the prosecutrix had visited the residence of the petitioner on 19.6.2016 and tendered her apology in writing and requested for not breaking the relationship.

At this stage, appearance has been put in by Mr. Aman Vashisth, Advocate, on behalf of the complainant, who argues that the petitioner committed the heinous offence of rape and he is liable to be punished under Section 376 IPC. It is also contended that he repeatedly committed rape on the prosecutrix on the pretext of marriage and on one occasion he administered some intoxicating substance and clicked her obscene photographs and thus, he does not deserves the discretionary relief of anticipatory bail.

Learned counsel for the State also argues that the custodial interrogation of the petitioner herein is necessary on account of the fact that the obscene photographs taken by the petitioner are yet to be recovered.

I have heard learned counsel for the petitioner, State as well as the complainant.

The allegations against the petitioner herein that he clicked obscene photographs of the prosecutrix after she had been administered intoxicating substance in her drink are serious in nature. Those photographs are required to be recovered. The investigation is still going on and the alleged obscene photographs cannot be recovered without securing the presence of the petitioner.

Keeping in view of the nature and gravity of the offence committed and the fact that the investigation is still going on, the present petition for anticipatory bail is dismissed.

23.12.2016

prem

(JAISHREE THAKUR)

JUDGE