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

+ **BAIL APPLN. 155/2016**

DHARAM SINGH

..... Petitioner

Through Mr. Man Mohan Yadav, Adv.

versus

THE STATE

..... Respondent

Through Mr. Ashok Kumar Garg, APP.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

20.07.2016

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By the present petition the petitioner seeks anticipatory bail in case FIR No.22/2016 under Sections 376/342/506 IPC registered at PS Chhawla.

In the FIR the complainant stated that she was aged around 40 years and was residing with her family members in the rented accommodation. She stated that she used to come to the house of one Ms.Bimla @ Vimla and when she went to her house on 26th September, 2014 the petitioner opened the door and asked her to come inside on the assurance that Bimla @ Vimla was present in home. Thereafter he shut the door, committed rape on her and threatened her.

Learned counsel for the petitioner submits that the complainant had filed a complaint on 24th March, 2015 with an NGO 'Ojasavi Mahila Sangthan'. In the complaint she stated that the petitioner had committed rape on her on three dates i.e. 26th September, 2014, 9th October, 2014 and 27th December, 2014. The petitioner pointed out to the NGO that the

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complainant had taken money from the petitioner on various dates and in this regard showed the copy of the register mentioning the transactions. According to the petitioner allegations of rape have been falsely levelled since the complainant is not interested in returning the amount.

This Court vide order dated 22nd April, 2016 directed the petitioner to file an affidavit with regard to the transactions and the State was directed to file a status report after verifying facts.

Learned APP for the State has taken me through the status report as per which the complainant as well as Ms. Anita from the NGO admit their signatures when original documents were shown to them. Thus, prima facie there appears to be a money transaction between the parties wherein the petitioner had lent a total sum of ₹5 lakhs to the complainant. On instructions from the investigating officer learned APP for the State submits that the petitioner has already joined the investigation and no further recovery is required to be made from him.

Considering the facts and circumstances of the case, in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the Arresting Officer/ SHO concerned, further subject to the condition that he will join the investigation as and when directed by the investigating officer.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

JULY 20, 2016

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