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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 340/2016 & CrI. MB 311/2016

RAJ KUMAR

..... Petitioner

Through

Mr Ram Naresh Yadav and Mr Brajesh Pandey, Advs.

versus

STATE OF NCT

..... Respondent

Through

Mr Hirein Sharma, Additional Public Prosecutor for the State alongwith Sub Inspector Nitesh Sharma Police Station Saket.

Mr Dileep Kumar Suryawanshi, Adv. for complainant alongwith complainant in person

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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24.02.2016

This is an application under Section 438 Cr.PC moved by the petitioner for grant of anticipatory bail in case FIR No. 1538/2015 under Section 376, 328, 506 IPC registered at Police Station Saket, New Delhi.

The FIR in the instant case was registered on the basis of a complaint made by the prosecutrix wherein she alleged that on 13.12.2015, the petitioner called her at Saket Metro Station on the pretext of getting her a job. Thereafter, he took her to his house where she was made to drink liquor and then the petitioner committed rape upon her. The petitioner also threatened not to disclose anything to anyone as he has made a video of her and will defame her in the society.

It is submitted by counsel for the petitioner that there are no allegations of commission of rape upon the victim by the petitioner. Moreover, it is highly improbable that in the presence of some other persons, he will do such an act and further that the prosecutrix has now settled the matter with the petitioner and a compromise deed has been filed.

Needless to say, the allegations are very serious in nature. The prosecutrix has specifically stated in her complaint that the petitioner committed rape upon her after his

friend had left. As regards the settlement, the prosecutrix is present in the Court and submits that now she is no more residing in Delhi and, therefore, does not want to proceed with the matter.

Under the circumstances, it cannot be said that the complaint made by her is false. It may be that for her personal reasons, she find it difficult to pursue her case, but that itself cannot be made a ground to grant anticipatory bail to the petitioner.

The application is accordingly dismissed.

Pending CM also stands disposed of.

SUNITA GUPTA, J

FEBRUARY 24, 2016/*rd*