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

+ Bail Appln. 451/2016 & CrI.M.B 3757/2016

RAMESH CHAND VERMA Petitioner
Through: Mr.Manoj Ohri, Sr.Advocate with
Mr.Rajiv Ranjan, Advocate

versus

THE STATE Respondent
Through: Mr. Hirein Sharma, APP for the
State alongwith W/ASI Krishna, Police
Station Tilak Nagar.
Respondent No.2 in person.

CORAM:
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER
18.05.2016

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Apprehending his arrest in case FIR No.1792/2015 under Section 376/506 IPC, applicant has approached this Court for grant of anticipatory bail.

FIR in the instant case was registered on the basis of a complaint made by prosecutrix wherein she levelled allegations against the applicant who is her cousin brother (son of Mausai) alleging that he has been taking undue advantage and committing rape upon her.

Learned counsel for the petitioner submits that the FIR in question is blatant misuse of process of court of law as the same has been filed with ulterior motives and the allegations are nothing but bundle of lies and afterthought to wreak personal vengeance against the applicant. The complainant is in the habit of filing false complaints against her relatives as

well as innocent people in order to extract money. Complainant was accused in FIR registered under Section 302 IPC at police station Shahadra and remained in judicial custody for about two and a half years. Mother of the complainant has also disowned her from all her properties and also severed all her relations with her because of her conduct. The present FIR is the outcome of dispute regarding two immovable properties. Moreover, the allegations made in the FIR are not only vague but also false because there is no mention of how, when, where and in what manner the complainant was repeatedly raped by the applicant. No such details have been mentioned regarding the occurrence of the alleged offence. The prosecutrix has projected as if she is a helpless soul and has no knowledge of police nor had courage to report about the alleged incident of repeated rape over the years by the applicant to the police which is falsified by the fact that she has filed several FIRs prior to the FIR in question. The complainant did not report to the police about the commission of alleged offence by the accused while she was having access to the police at the time of the aforesaid FIR. The complainant has lodged following FIRs:

- (a) FIR No.283/2014 dated 11.03.2014 under Section 354 of IPC at Police Station Tilak Nagar against her third husband Mukesh Sehgal.
- (b) FIR No.0514/2014 dated 16.05.2014 under Section 323,452.506/34 of IPC at Police Station Tilak Nagar against Narender Pal & Ors. (Father-in-law of her ex-husband Mukesh Sehgal).
- (c) FIR No.1720/2015 dated 03.12.2015 under Section 376,506 of IPC at Police Station Tilak Nagar against her own maternal brother Mukesh Soni.

Furthermore, while in the FIR the complainant has named the present applicant only but at the time of recording her statement under Section 164 Cr.P.C, she also implicated one more relative namely Pawan Kumar Jain

who has been granted regular bail by the Sessions Judge. Moreover, the complainant has been calling upon the petitioner to meet her illegal demands in lieu of withdrawal of the case. Petitioner has already joined investigation on six occasions, as such he be released on bail.

Learned Public Prosecutor for the State does not dispute that the petitioner has been joining investigation pursuant to the directions given by this Court as well as by the Additional Sessions Judge while hearing his application for grant of anticipatory bail.

Without expressing any opinion on merits of the case, it is ordered that, in the event of arrest:

- (i) Petitioner be admitted to bail on his executing personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand only) with one surety in the like amount to the satisfaction of the concerned I.O./SHO.
- (ii) He shall join the investigation as and when called for by the I.O.
- (iii) He shall furnish his address as well as his contact number to the Investigating Officer.
- (iv) He is directed not to contact, threaten or coerce complainant or any prosecution witness.

The application is accordingly disposed of.

Copy of this order be given *dasti* to counsel for the petitioner.

SUNITA GUPTA, J

MAY 18, 2016
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