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

+ **BAIL APPLN. 507/2016**

GOPAL SINGH CHAUHAN

..... Petitioner

Represented by: Mr. Manoj Kumar and Ms.
Sudesh Kumari Jethwa,
Advocates.

versus

THE STATE

..... Respondent

Represented by: Mr. Hirein Sharma, APP for
the State with Inspector Gurdev
Singh, PS Pandav Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

15.12.2016

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1. By the present petition the petitioner seeks anticipatory bail in case FIR No.75/2016 under Sections 376/506 IPC registered at PS Pandav Nagar, Delhi.

2. The allegations of the complainant in the FIR were that she was the tenant in house of the petitioner. On 9th January, 2016 at around 10.00 AM when she was lying down after taking medicines, the petitioner entered the house of the complainant and gave ₹100 to her daughter to buy chocolate. Thereafter the petitioner picked up the victim from the floor, put her on the bed and raped her. Since the victim had no courage to protest she only prayed to him but he did not listen and thereafter he went away. She did not inform this fact immediately to the family and later revealed to her husband whereafter the complaint was made on 7th February, 2016 and FIR was

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registered.

3. In view of the averments in the petition this Court directed the State to file a detailed status report. As per the detailed status report it has been revealed that there was a constant quarrel between the two parties and a number of PCR calls were made. Even after the alleged incident of rape dated 9th January, 2016 a PCR call was made by the victim on 31st January, 2016 wherein it was found that she had taken extra dosage of medicine and had been admitted in the hospital where neither she gave any statement nor complained about the incident of rape. On 5th February, 2016 a written complaint was given by the petitioner at PS Pandav Nagar regarding threatening from the complainant to lodge a false case against him. On 6th February, 2016 two PCR calls were received from the complainant and her husband stating that the petitioner was not permitting them to enter their rented premises. Later when the petitioner gave the key to the complainant and her husband no action on the complaint was taken however, even on that date the complainant did not narrate the incident of 9th January, 2016 regarding rape. On 6th February, 2016 another complaint was made by the husband of the complainant regarding harassment by the landlord, that is the petitioner herein. However, therein also no allegation of rape was made. On 7th February, 2016 when the ASI went to the house of the complainant to make inquiry of the complaint of her husband dated 6th February, 2016 the complainant got recorded her statement in respect of the incident dated 9th January, 2016 alleging rape.

4. Considering the past history between the parties, the fact that the petitioner has joined the investigation and no further recovery is required to

be made from him, this Court deems it fit to grant anticipatory bail to the petitioner. It is, therefore, directed that 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 and will not leave the country without prior permission of the learned Trial Court.

5. Petition is disposed of.

6. Order dasti.

MUKTA GUPTA, J.

DECEMBER 15, 2016

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