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

+ **BAIL APPLN. 532/2016**

MOHAMMAD SHAUKIN

..... Petitioner

Through

Mr. Jinendra Jain, Mr. Brijesh Yadav
Ms. Aastha Chopra, Advs.

versus

STATE OF NCT OF DELHI & ANR

..... Respondent

Through

Mr. Kewal Singh Ahuja, APP with SI
Manisha Sharma PS Aman Vihar.
Mr. Mayank Mohan, Adv. for
complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

25.07.2016

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1. By the present petition the petitioner seeks anticipatory bail in case FIR No. 102/2016 under Section 313/354C/328/376/506/34 IPC registered at PS Aman Vihar.

2. Learned counsel for the petitioner contends that the above-noted FIR has been got registered to extort money from the petitioner. Both the petitioner and the complainant are major and married. The relations between the two are consensual. The complainant has already given in writing to the counsellor that she was having physical relations with Shaukin and when it came to notice of the wife of Shaukin, she made the complaint at 100 number. A CD has been given to the investigating officer to verify the facts, which shows that Shaukin has already handed-over a sum of ₹5

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lakhs to Alahuddin, the husband of the complainant. The mobile phone of Salim has already been taken in possession vide seizure memo. The CD and mobile phone have already been sent to the FSL.

3. Learned APP for the State has taken me through the FIR and the two status reports filed. The allegations of the prosecutrix in the FIR against the petitioner are that the petitioner was staying in the neighbourhood and thus she became friendly with his wife. In May 2013 when her husband had gone to Bihar, wife of petitioner i.e. Shakeela called her for urgent work when her husband was also present at home. Shakeela gave her cold drink, where after the prosecutrix became unconscious and when she regained consciousness she found no clothes on her body and both Shakeela and Shaukin were smiling. She found her private parts wet. Thus she threatened Shakeela and Shaukin of filing a complaint. Shaukin threatened her that he would show her nude pictures and on that basis committed sexual intercourse with her number of times and she had to undergo abortions. Later she disclosed all these facts to her husband where after Shaukin, Shakeela, Vakeel and Salim gave threats to them. Thus she sought legal action.

4. During the course of investigation, the prosecutrix denied her internal examination. Pursuant to the order dated 1st April, 2016 passed by this Court verification has been done by the Police and statement of Ms. Ganga of a NGO Navshrishti has been recorded who verified that she was counselling the prosecutrix when prosecutrix gave to her in writing that she was in physical relationship with Shaukin and when it came to notice of Shakeela she made the complaint. Despite the fact that prosecutrix alleges

sexual intercourse since May 2013, however, when the PCR call was made prior to registration of FIR, no such complaint was reported and no legal action sought on this count. Further statement of witnesses have been recorded which shows that Alahuddin, husband of the complainant took ₹5 lakhs from the petitioner.

5. Considering the facts and circumstances of the case and the fact that the mobile phone of Salim has already been taken in possession, I find it to be a fit case for grant of anticipatory bail. In the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with two sureties 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 and will not leave the country without the prior permission of the Court.

6. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

JULY 25, 2016
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