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

+ **BAIL APPLN. 1092/2016**

AMIT

..... Petitioner

Represented by: **Mr. M. Shamikh, Advocate.**

versus

STATE

..... Respondent

Represented by: **Mr. Ashok K. Garg, APP for
the State with Inspector Saroj
Bala, PS Ambedkar Nagar.
Dr. Madhulika Sharma,
Director, Incharge, FSL, Rohini
in person.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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15.12.2016

1. Affidavit of Dr. Madhulika Sharma, Director In-charge, FSL, Rohini has been filed. As per the affidavit five expert teams are already working for examination and analysis of digital exhibits/electronic documents and efforts are being made for appointing four-five additional expert teams.
2. Dr. Madhulika Sharma, who is present in Court states that besides the five expert teams working at FSL, Rohini, two additional expert teams are also working at Regional Office, Chankyapuri who also dispose of around 40-50 cases per month. She states that five additional expert teams would in all probabilities start working within another two months which would bring down the pendency in FSL drastically for the reason each expert team

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is able to handle 7-10 cases per month depending on the type of examination and number of exhibits and analysis of the data required to sought. It is hoped and expected that the five additional expert teams will be institutionalised within another two months.

3. By this petition the petitioner seeks anticipatory bail in case FIR No. 226/2016 under Sections 376/506 IPC registered at PS Ambedkar Nagar, Delhi.

4. The allegations of the complainant in the FIR are that she was a student of B.A. 1st year and on 21st February, 2016 she met the petitioner in her cousin's marriage at Molarband, Badarpur. The petitioner obtained her mobile number from somewhere and started talking to her regularly. On 20th March, 2016 the petitioner called her to meet him at Khanpur Peepal Chowk, New Delhi when the complainant told him that she had to go to college. The petitioner assured that he would drop her at the college. Believing him the complainant joined his company. However, the petitioner took the complainant to Surajkund Hotel, Faridabad, Haryana and had physical relationship forcibly. He also clicked her photographs whereafter he dropped her at Khanpur Peepal Chowk. On 27th March, 2016 the petitioner took her to Kalkaji Mandir and said that if she did not follow his instructions, he will upload the photographs on Whatsapp and Facebook. He also uploaded these photographs on Whatsapp and Facebook which fact she came to know from a cousin through his mobile phone make Micromax A-71.

5. Along with the petition the petitioner has placed on record documents to show that the petitioner and complainant knew each other being related

and present on marriage functions together wherein besides the petitioner, his wife, children and parents were also present. It is stated that thus there was no occasion that the complainant could have said that she did not know the marital status of the petitioner. Further as per the Whatsapp messages even after the alleged incident of 20th March, 2016 the complainant sent various messages to the petitioner which does not show that the relationship between them were not cordial or forcible.

6. A detailed status report has been filed. As per the status report photographs of the petitioner and complainant were found in mobile phone make Micromax A-71 which belonged to Sonu, the cousin of the complainant. Further chats between the petitioner and the complainant were also recovered from the mobile phone of the petitioner. During investigation no entry was found in the record of Surajkund Hotel, Faridabad on 20th March, 2016. The petitioner has placed on record photographs to show that on the said date the complainant had actually gone with her friends to the place of incident. He further states that the relationship, if any, between the parties was consensual in nature.

7. Considering the material on record and the fact that no further recovery is required to be made from the petitioner, 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.

7. Petition is disposed of.

8. Order dasti.

MUKTA GUPTA, J.

DECEMBER 15, 2016

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