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

+ **BAIL APPLN. 1261/2016**

MANOJ KUMAR SHARMA

..... Petitioner

Represented by: Mr. Pramod Kumar and Mr.
Krishna K. Sharma, Advocates.

Versus

THE STATE

..... Respondent

Represented by: Mr. Kewal Singh Ahuja, APP
for the State with WSI Kajal
Rani, PS Vikaspuri.
Mr. Sumit Kaushal, Advocate,
husband of the complainant in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
10.08.2016

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1. By the present petition the petitioner seeks anticipatory bail in case FIR No.390/2016 under Sections 376/506 IPC registered at PS Vikas Puri, Delhi.

2. Learned counsel for the petitioner submits that the petitioner was not even present at the spot and he has been falsely implicated. The CCTV footage of the shop at Dominos Pizza, Sector-12, Dwarka and Wine and Beer shop again at Sector-12, Dwarka would show his presence in that area at the relevant time and not the place where the incident allegedly took place. He further alleges that the husband of the prosecutrix was the counsel for the petitioner's wife Anjana Sharma and was pressurising her to take

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divorce and leave the petitioner. On the failure to do so, the petitioner has been implicated in this case.

3. Learned APP for the State has taken me through the FIR and the status report.

4. The allegations in the FIR against the petitioner by the prosecutrix are that on 7th May, 2016 in the evening, the door bell rang where she found Manoj, husband of Anjana, was standing. He pushed her mother and snatched the child from her lap. He threatened her and had sexual intercourse with her twice contrary to her wishes. When the prosecutrix wanted to call her husband, he threatened that she and her husband should not speak anything. She made a call to 100 number, thereafter she was medically examined and FIR was registered.

5. The status report has been filed by the State reiterating the allegations made in the FIR. The CCTV footage of the entrance of the group housing society where the complainant is residing and the two shops, that is, Dominos Pizza and Wine and Beer shop at Sector -12, Dwarka have also been seized. As per the CCTV footage, the petitioner was found present at the Dominos Pizza, Shop No.G-I & G-II, Plot No.1, Krishna Tower, Sector-12, Dwarka at 7.12 PM and thereafter entering the Wine and Beer Shop No.G-10/11, Plot No.12, Sunder Plaza, Sector-12, Dwarka, Delhi at 8.10 PM on 7th May, 2016. As per the CCTV footage of the Ordinance Apartment where the complainant is residing a person in muffled face on a motorcycle entered the society at 8.15 PM and left at 8.33 PM.

6. Even on a motorcycle, the distance to be travelled between Sector-12 Dwarka to Vikas Puri Society cannot be covered within five minutes.

7. Considering the facts and circumstances of the case and the fact that there is earlier dispute pending between the parties, wherein the wife of the petitioner has given complaints of threat by the husband of the complainant prior to the above noted FIR to the various authorities, I deem 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 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 by the Investigating Officer and will not leave the country without prior permission of the court concerned.

8. Petition is disposed of.

9. Order dasti.

MUKTA GUPTA, J.

AUGUST 10, 2016
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