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

+ **BAIL APPLN. 1373/2016**

ATUL TIWARI

..... Petitioner

Represented by: Mr. Ravi Bassi, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: Mr. Ravi Nayak, APP with
ACP Ravinder Kumar, SHO
Anil Kumar, SI Sarita, SI
Mithilesh, PS Mukherjee
Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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28.09.2016

By the present petition the petitioner seeks anticipatory bail in case FIR No. 513/2016 under Section 376 IPC registered at PS Mukherjee Nagar.

Learned counsel for the petitioner submits that the petitioner was aged 50 years and has two children one daughter studying post-doctorate and a son preparing for the competitive examination. The complainant was employed as a domestic help from the year 2012 to 2012. After she left the job and went to her parental home, got married and gave birth to a child who was six months old, the above-noted FIR was got registered by the complainant. The petitioner also stated in the petition that the above-noted

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complaint was registered after the petitioner refused to give extortion money which was demanded from him on phone from the last week of May 2016 till 3rd June, 2016.

Considering the submission on behalf of the petitioner, a detailed status report was called for from the State. A detailed status report has been filed verifying these averments. A perusal of the same would reveal that the complainant worked in the house of the petitioner from 2012 to 2014 and thereafter left the job. After more than two years of leaving the job she made phone calls to the petitioner from a mobile phone number 955571186 which belonged to one Upender Sharma of Nidan Foundation, NGO who had counselled the complainant. The phone calls were made from 30th May, 2016 to 3rd June, 2016. During the course of investigation Upender Sharma admitted regarding making calls to the petitioner and his location was found at Shakurpur, Delhi near Netaji Subhash Place. Upender Sharma admitted that he was running a NGO and that calls were made only to help out complainant who was a poor lady.

Further the petitioner has also placed on record the transcripts which shows conversation by the earlier IO SI Mithilesh which also reveal that money was being demanded from the petitioner to settle the matter.

Considering the complaint being made belatedly and prior to making the complaints money being demanded from the petitioner which continued to be demanded after the registration of FIR in the garb of settling the matter, 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 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.

Though as per the status report a vigilance inquiry has been initiated against SI Mithilesh, however till date on the complaint of petitioner no action has been taken.

Petition is disposed of. Order dasti.

Copy of the order be sent to the Commissioner of Police.

MUKTA GUPTA, J.

SEPTEMBER 28, 2016
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