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

+ **BAIL APPLN. 1479/2016**

PREM ARORA

..... Petitioner

Represented by: Mr. O.P. Wadhwa, Adv.

versus

STATE

..... Respondent

Represented by: Ms. Rajni Gupta, APP with
SHO Anand Lakra, SI Gunjan
Singh PS Pandav Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

24.10.2016

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1. By the present petition the petitioner who is the uncle of the complainant seeks anticipatory bail in case FIR No. 882/2015 under 323/376/506 IPC registered at PS Pandav Nagar.

2. The allegations of the complainant in the FIR are that after her husband's death, the petitioner who was related to her as her Mausa helped her in the property matters and misused the condition of the complainant who was in a depressed mental state. It is alleged that in September 2012 the petitioner called her to his office at Subhash Nagar Metro Station and gave her pastry to eat making her wait for the Advocate. After about 30-40 minutes she fell sick and became unconscious. During this period petitioner committed rape on her and prepared a video. When she regained

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consciousness she found that there were no clothes on her body and the petitioner showed a mobile video clip threatening her of dire consequences to her and her children. Thereafter he used to call her after 5-10 days and committed rape on her. According to the complainant this continued for the last three years.

3. When the present petition came up before this Court, the petitioner placed on record documents to show that since the petitioner had invested in the property dispute of the complainant in order to avoid payment of money due to the petitioner, the above-noted false FIR was registered. The petitioner also pointed out that the above-noted FIR was a counter-blast to a complaint filed by the petitioner against the respondent No.2 and her other accomplices seeking registration of FIR for offences punishable under Section 327/342/348/392/420/120-B IPC.

4. A status report has been filed which notes that during investigation it was revealed that the petitioner used to help the complainant to pursue the property matters which were pending in the Delhi High Court and the various other forums and provide the Advocate services to the victim to pursue the said matter. An affidavit had been executed by the complainant in favour of the petitioner admitting that a sum of ₹1,35,00,000/- was due to her. Though the complainant admitted the signatures but stated that the said signatures were got done on the basis of threat. She also admitted her signatures on the GPA, Agreement to Sell, Affidavit and Will relating to transfer of property in favour of the petitioner.

5. Investigation also revealed that initially a complaint was filed by the complainant against the petitioner on 14th July, 2015 in respect of her

property documents and cheques which was settled between the parties and at that point of time, the complainant did not make any allegation regarding rape. In respect of the incident dated 14th July, 2015 the petitioner had filed a complaint before the learned Metropolitan Magistrate against the complainant and Police Officers for forcibly taking away the property documents and handing-over the same to the complainant. During investigation the mobile phone on which allegedly the video was prepared was taken into possession and sent to the FSL to retrieve all the messages, chats and photographs. Though the complainant stated that she had an audio CD containing the recording of the petitioner admitting physical relations with the complainant, however during investigation she could not produce the same and stated that she had thrown the said mobile as that was not working.

6. Considering that financial that having dispute between the two parties is admitted, in the earlier complaint the complainant did not reveal any allegation of rape, only after the petitioner filed a complaint for registration of FIR against the complainant and the Police officers, the above-noted FIR was got registered, no recovery is to be made from the petitioner and the petitioner has already joined the investigation, 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 and will not leave the country without the prior permission of the Court concerned.

7. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

OCTOBER 24, 2016
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