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IN THE HIGH COURT OF DELHI AT NEW DELHI

DECIDED ON : SEPTEMBER 30, 2016

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BAIL APPLN. 1796/2016

P N SANYAL

..... Petitioner

Through : Ms.Geeta Luthra, Sr.Advocate, with
Mr.Apoorv Kurup, Advocate.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through Ms. Manjeet Arya, APP
Ms.Vagisha Kochar, Advocate, for
the victim- 'X' (assumed name)
along with victim present in person.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (ORAL)

1. The petitioner seeks regular bail under Section 439 Cr.P.C. in case FIR No.489/2016 registered under Sections 34/120-B/341/342/370/370(2)/490 IPC and Section 7/14 Foreigner Act. Status report is on record.

2. I have heard the learned counsel for the parties including the counsel for the victim 'X' (assumed name). The petitioner is in custody since 20.07.2016, 'X', who appeared in person along with her counsel today in the court has no objection to the grant of bail to the present petitioner.

3. An Income Tax raid under Section 132 of the Income Tax Act was conducted at the residence of the petitioner at A2/141, 2nd Floor, Safdurjung Enclave on 02.06.2016. Pursuant to it a written complaint dated 21.06.2016 was sent from the office of Assistant Director of Income Tax department to the police. It formed the basis of the registration of the FIR in question on 19.07.2016. The petitioner was arrested on 19.07.2016. In the complaint, the income tax officers disclosed that during search, illegal activities like human trafficking came to light. Documentary evidences in the form of WhatsApp messages, SMS messages were seized from the petitioner's residence. During search one Russian National 'X' aged 23 years was found living with the petitioner at his residence. From the SMSs and WhatsApp data, it revealed that she was being kept in the premises against her will. Her documents such as passport were also being kept by the petitioner in his custody. 'X's statement was recorded on 3.6.2016 wherein she stated that she was very insecure with the petitioner and wished to leave the premises immediately. Copies of the passport of other foreign women were also recovered from the petitioner's residence. Messages exchanged between her and one Col.Ajay Ahlawat revealed that financial transactions related to women also took place with them. He further informed that during search 'X' attempted to commit suicide at around 10 pm on 02.06.2016 by trying to cut her wrist veins with a blunt razor in the bath room shut from inside. She was taken to Safdarjung Hospital for immediate medical treatment and was discharged from the hospital after treatment.

4. Learned senior counsel urged that the ingredients of Sections in which FIR has been lodged are not attracted. 'X' was never confined in

the premises against her wishes. She was free to talk on her mobile. Relationship (if any) with the petitioner was with her free consent.

5. It has come on record that the victim 'X' had filed an application seeking return of her passport seized by the Investigating Officer before the Trial Court. In the said application, she accused the Income Tax Officers to have harassed her during search. She claimed that she had come to share a close relationship with the petitioner and had been living in his house out of her own free will for about a month before the raid. She prayed for recording her 164 Cr.P.C. statement which was opposed by the Investigating Agency.

6. Status report does not reveal if any other material incriminating evidence has come on record.

7. After hearing the arguments on bail, order was reserved for 20.09.2016. To hear the victim notice was given to her for appearance before this Court. Today she appeared along with her counsel and did not oppose the grant of bail to the petitioner. She is major.

8. Considering the facts and circumstances of the case, the petitioner is admitted to bail on his furnishing personal bond in the sum of ₹1,00,000/-with one surety in the like amount to the satisfaction of the Trial Court. He shall not travel abroad without prior permission of the Trial Court and shall surrender his passport (if any).

9. The application stands disposed of.

10. Order *dasti*.

(S.P.GARG)
JUDGE

SEPTEMBER 30, 2016/sa