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

+ **BAIL APPLN. 1936/2016**

MANISH

..... Petitioner

Represented by: Mr. Himanshu Mehra, Mr.
Manish Kumar Vikkey, Advts.

versus

GOVT OF NCTOF DELHI

..... Respondent

Represented by: Mr. Amit Ahlawat, APP with
SI Sandeep Rathi, PS Ranhola.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

30.11.2016

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1. By the present petition, the petitioner seeks anticipatory bail in case FIR No.793/2015 under Sections 341/354D/365/376/451/506/34 IPC.
2. The allegations by the complainant were that on 26th September, 2015 an unknown person entered her house and asked for mobile phone number of her husband. At the same time the petitioner entered the house who was carrying a knife in his hand. He put the same on her throat and molested her. He also threatened her of dire consequence if she disclosed the incident to any person. In the evening she narrated the incident to her husband who called the Police and on her statement the above-noted FIR was registered wherein no allegations of rape were levelled.
3. However, when the statement of the prosecutrix was recorded under Section 164 Cr.P.C. the prosecutrix stated that on 7th June, 2015 the petitioner came to her house with a gun and threatened her that he would

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kill her son and finding no option she acted on her threat. The petitioner took her to Ludhiana and kept her in a hotel for 15 days where he raped her and she was threatened that if she goes to her house she would be killed. Thereafter she was kept for 8 days in a hotel at Panipat. Later she returned to her home. In the meantime the complainant was also forced to sign blank papers which she could not read.

4. During the course of investigation it was revealed that both the petitioner and prosecutrix stayed in two hotels at Panipat and Ludhiana as noted above.

5. Learned counsel for the petitioner states that when two of them stayed in the hotel it was with the consent of the complainant and only when she came back to her matrimonial home, at the instance of her husband, the above-noted FIR was registered.

6. This Court is not required to delve into the merits of the allegations at this stage. The petitioner has already joined the investigation and no recovery is to be made from him. Thus, 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 and will not leave the country without the prior permission of the Court concerned.

7. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

**NOVEMBER 30, 2016 /‘ga’
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