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

+ **BAIL APPLN. 1964/2016**

BIJENDER JAIN

..... Petitioner

Represented by: Mr. Abhijat, Mr. Devashish
Chauhan and Mr. Praveen,
Advs.

versus

STATE (NCT OF DELHI) THR. SHO

P.S. K.N.KATJU DELHI

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP
with W/SI Neeraj Kumari, PS
KN Katju Marg.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

21.10.2016

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1. By the present petition, the petitioner seeks regular bail in case FIR No.660/2016 under Sections 384/354(D)/509/376 IPC registered at PS KN Katju Marg.
2. Learned counsel for the petitioner submits that a perusal of the conversation between the two parties clearly shows that both were on friendly terms and the complainant despite being a married woman and having three children left the matrimonial home and agreed to marry the petitioner at Gurudwara. There is no proof whatsoever of the money extorted. The allegation of extortion of money was of the year 2013 when the husband of the complainant was not aware of the extortion allegedly being committed by the petitioner and there was no material produced from where the complainant could have got ₹12 lakhs to give it to the petitioner

as alleged. The petitioner has placed on record the photographs and the chats between two of them to fortify his claim.

3. In the FIR the complainant stated that in the year 2013 the petitioner made a call to her through his friends phone and gave threat to arrange the money and send it through his friend so she gave ₹50,000/- to Guddu who was friend of the petitioner. Thus in this manner since 2013 the petitioner has taken ₹12 lakhs from her. On 12th August, 2016 she went to her parental home at Ludhiana when the petitioner followed her and called her to Apollo Hospital and threatened that if she failed to reach, he would abduct her children. From Apollo Hospital, she was taken to Parbh Hotel, Ludhiana and forcibly physical relations were established. She reached her house but did not tell these facts to anyone. On 20th August, 2016 when she was standing at Ludhiana Bus Stand, the petitioner made her sit in the car whereafter they had a short stay at Sonipat and then he brought her to his parents house at Gurgaon. From there the complainant reached her home calmly and did not inform about it to anyone. On the next day i.e. on 21st August, 2016 at 1.30 PM the petitioner made a call so she went to his office at Inderlok from where they both went to Gurudwara at Nanak Pyao and by holding hands, they performed the marriage. Thereafter they went to the house of the petitioner at Gurgaon and his parents accepted their marriage. On 22nd August, 2016 his parents prepared their bags and sent them to Tijhar (Gurgaon) for honeymoon where they stayed together and the petitioner again made physical relationship. Both of them bowed their head at two devotional places. When they went back to petitioner's parent house the elder brother of petitioner did not allow them to stay there and thus she went to her aunt's place at Chandigarh. She however did not tell these facts to

anyone. When she was at Chandigarh, these facts came to the knowledge of her parents who reached there and pacified her, whereafter she narrated all the facts and sought registration of FIR.

4. Without commenting on the transcripts of the messages exchanged between the parties at the relevant time, suffice it to note that during investigation despite repeated notices, the complainant has not been able to explain as to from where she withdrew total amount of ₹12 lakhs. Further the CDRS of both the petitioner and the complainant were obtained during investigation which showed that both the petitioner and complainant were in close contact with each other repeatedly.

5. Considering the facts noted above and the fact that no further custodial interrogation of the petitioner is required, I deem it fit to grant regular bail to the petitioner. It is thus directed that 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 learned Trial Court, further subject to the condition that he will not leave the country without the prior permission of the court concerned.

6. Petition is disposed of.

7. Order dasti.

MUKTA GUPTA, J.

OCTOBER 21, 2016
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