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

+ **BAIL APPLN. 2024/2016**

ANIL KUMAR

..... Petitioner

Represented by: **Mr. Ravin Rao and Mr. Aniket
Goel, Advocates.**

versus

STATE

..... Respondent

Represented by: **Ms. Rajni Gupta, APP for the
State with SI Bimla, PS
Khayala.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

29.11.2016

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1. By this petition the petitioner seeks anticipatory bail in case FIR No.252/2016 under Sections 376/328/506 IPC registered at PS Khayala, Delhi.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the above noted FIR. Even though the allegations against the brother of the petitioner are also false however, in order to put pressure on the brother of the petitioner, the petitioner has also been involved. The prosecutrix has given different versions in different statements and even as per the verification conducted the petitioner was not nearby the place of incident at the time of alleged incidents.

3. The above noted FIR was registered after the prosecutrix was admitted in the hospital in an injured condition. She stated that she was

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residing at her parental home since 1st June, 2016. Around ten years back while she was studying on the terrace of her house, Ashok the brother of the petitioner who lived in the same house on the lower floor came and offered a cold drink pursuant to which she became unconscious. Later she came to know that she had been raped by Ashok. Ashok showed her videos and started blackmailing her on the said pretext. Ashok committed rape on her number of times. She stated that she got married on 18th April, 2016 however, Ashok continued calling her to Delhi and made a phone call to her husband and told him that she was in a live in relationship with one Ajay. Her husband recorded the said version, forwarded the same to her brother and stated that he would not keep the prosecutrix with him anymore. Due to depression the prosecutrix jumped from the window of her house but before doing so she telephoned Ashok that she was jumping. Ashok and his friends took her to the nursing home and got her admitted. After the entire narration the prosecutrix also alleged that two years ago the brother of Ashok, that is, the petitioner herein committed rape on her on the occasions of Holi and Diwali.

4. Ashok, the main accused is in custody. The allegations against the petitioner are that he committed rape on her on two occasions, that is, Holi and Diwali.

5. During the course of investigation it was revealed that the petitioner was a student of Barkatullah University, Bhopal and though he was in Delhi on Holi and Diwali in Delhi however, his location in respect of the incident of November, 2015 was not near the place of occurrence and as regards the Holi day no location of the phone could be traced.

6. Considering the fact that the main allegations are against the brother of the petitioner and on the two instances wherein the complainant alleges that rape was committed by the petitioner on one occasion the petitioner was not even found near the place of incident, the petitioner has already joined the investigation and no recovery is required to be made from him, 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 prior permission of the Court.

7. Petition is disposed of.

8. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 29, 2016

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