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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 1485/2015
VIJENDER @ DABBU

..... Petitioner

Through: Mr Ashish Dogra, Adv.
versus
THE STATE (NCT) DELHI

..... Respondent

Through: Mr Ashok Kumar Garg, Additional Public
Prosecutor for the State alongwith Sub
Inspector Rajinder Singh, Police Station
Saket, New Delhi

CORAM:
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 19.01.2016

This is application under Section 438 of Cr.PC moved by the petitioner for grant of anticipatory bail in case FIR No. 643/2015 under Sections 354/509/427 IPC registered at Police Station Saket, New Delhi.

Learned counsel for the petitioner submits that the complainant was a tenant in the property belonging to father of the petitioner and she had not paid rent for last three months as such his father asked the complainant to vacate the premises failing which he would take necessary legal action. In retaliation, she lodged this false complaint against the petitioner. It is further submitted that on the basis of initial complaint made by the complainant the instant FIR was registered under Section 427/509 IPC. Subsequently, the complainant improved her statement and resultantly Section 354 IPC was added to the present case. It is further submitted that in the status report, the State has shown involvement of the petitioner in another case FIR No.152/2014 under Section 376D/452 IPC Police Station Mehrauli, however, the petitioner in that case has been acquitted.

Learned Additional Public Prosecutor for the State, on the other hand, submits that the allegations against the petitioner are very serious in nature. On account of nefarious activities of the petitioner, the complainant had shifted alongwith her family to another place after the incident. It was not disputed that pursuant to the directions given by this Court, the petitioner has joined investigation, however, it is informed that he is

not cooperating in the investigation as such he is not entitled to be released on bail.

Initially, the FIR was registered under Section 509/427 IPC on the basis of a complaint made by the complainant stating therein that she stays at F-23, Lado Sarai and the petitioner abused her and raised his hand on her and told that he will put her car on fire and in the morning she found her car full of scratches. Subsequently, she stated that she was physically assaulted by the petitioner and he pulled her with her clothes on the basis of which Section 354 IPC was added.

Keeping in view the totality of the facts and circumstances of the case, it is ordered that in the event of his arrest:-

- (i) Petitioner be admitted to bail on his executing personal bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety in the like amount to the satisfaction of the concerned I.O./SHO.
- (ii) He shall join the investigation as and when called for by the I.O.
- (iii) He shall furnish his address as well as his contact number to the Investigating Officer.
- (iv) He shall not threaten or coerce complainant or any prosecution witness.

The application is accordingly disposed of.

Copy of this order be given *dasti* to counsel for the petitioner.

SUNITA GUPTA, J

JANUARY 19, 2016/*rd*