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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 2360/2015
AJAY @ NANAK CHAND

..... Petitioner

Through: Mr Vimal Puggal, Adv.
versus

STATE

..... Respondent

Through: Ms Neelam Sharma, Additional Public
Prosecutor for the State alongwith ASI
Rawat Singh Police Station Khayala, Delhi

CORAM:
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER
18.01.2016

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This is application under Section 438 of Cr.PC moved by the petitioner for grant of anticipatory bail in case FIR No.638/2015 under Sections 452/354/354A/354B IPC Police Station Khyala, Delhi.

The FIR in the instant case was registered on the basis of a complaint made by the complainant 'R' on the allegations that on 02.10.2015, when she was at home, Ajay (petitioner) entered into her house forcefully at about 10.40 pm and took off his shirt and hit her on her breast and then opened the buttons of her t-shirt and made her lay down in the bed and slapped her. When she objected, he took out the blade and threatened to rape her.

It is submitted by counsel for the petitioner that the petitioner and the complainant are known to each other since long and are having good friendship with each other. Much emphasis was laid on the photographs appearing at page 19 and 20 of the application for submitting that the petitioner and the prosecutrix are intimate to each other. It is further submitted that after grant of anticipatory bail, the petitioner has joined investigation and he is ready and willing to join further investigation as such he be released on bail.

The application is opposed by learned Additional Public Prosecutor for the State by submitting that the petitioner is the friend of husband of prosecutrix, who, at the relevant time, was lodged in jail for the last six months. Taking advantage of that situation, the petitioner entered the house of the complainant forcefully and have tried to commit rape upon her. The photographs, on which, much reliance has been placed by counsel for the petitioner are not objectionable in nature since the petitioner is the friend of husband of the complainant, therefore,

such photographs may have been taken but that does not in any manner prove the falsity of the allegations. Reference was made to the statement of prosecutrix recorded under Section 161 Cr.PC wherein she has further stated that the petitioner has been making wrong relations with her for the last five years under threat to kill her husband and upload her obscene pictures on internet. Lastly, it is submitted that the petitioner is a registered bad character of Police Station Sultanpuri and is involved in as many as 15 criminal cases as such he is not entitled to be released on anticipatory bail.

The counsel for the petitioner did not dispute the antecedents of the petitioner, however, it is submitted that as per the involvements report submitted by the State, those cases pertain to the year 2005 to 2011 and that too were under Sections 379 or 399 IPC.

Keeping in view the seriousness of the allegations levelled against the petitioner coupled with his involvements in other criminal cases, I do not deem it appropriate to release him on anticipatory bail.

The application is accordingly dismissed.

The interim protection granted to the petitioner vide order dated 30.10.2015 is hereby vacated.

SUNITA GUPTA, J

JANUARY 18, 2016/*rd*