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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 2640/2015

PAWANDEEP SHARMA

..... Petitioner

Through

Mr M.P.S Sinha, Ms Mumtaj Hashmi and
Ms Kiran, Advs.

versus

STATE

..... Respondent

Through

Ms Neelam Sharma, Additional Public
Prosecutor for the State alongwith WASI
Sushma Police Station Uttam Nagar, Delhi

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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02.03.2016

This is application under Section 438 of Cr.PC moved by the petitioner for grant of anticipatory bail in case FIR No. 1391/2015 under Sections 376/506 IPC registered at Police Station Uttam Nagar, Delhi.

It is submitted by counsel for the petitioner that the petitioner and the complainant were colleagues initially while working with M/s Annik Technologies Pvt. Ltd. and thereafter again when they joined M/s Intergreon Pvt. Ltd. at Noida. As the parties were from the same locality i.e. Uttam Nagar, Delhi they also shared the same cab for making to and fro journey from their houses to their office. They remained colleagues in both the companies. Friendly relations developed between them, which with the passage of time, grew stronger and stronger. During her interaction with the petitioner, she confessed having affairs with a person named Nitin Chamoli. Therefore, the petitioner advised her not to go deeper in her relations as it was creating complications in case she continued carrying her affairs with both the persons at a time. Despite that, the complainant did not stop her affairs with Nitin and the petitioner at the same time. The petitioner even proposed the complainant for marriage but she avoided on one pretext or the other. The present FIR has been lodged by her under parental persuasions for not to have any relations with the petitioner. Counsel further submits that the relations, if any, between the parties were consensual. He also referred to the messages exchanged between the parties for showing that at no point of time there was any pressure or threat to the complainant from the side of the petitioner. The petitioner has already joined investigation and is ready and willing to join further

investigation. He further referred to the discrepancies appearing in the FIR and the statement of prosecutrix recorded under Section 164 Cr.PC. In the FIR it is alleged that the physical relations between the complainant and the petitioner took place on 30.05.2015 in the house of complainant when her family members were away to Haridawar whereas in her statement under Section 164 Cr.PC, she has given the date of incident as 31.05.2015. Moreover, grandmother of the complainant is bed-ridden. She remained at home and it is highly improbable that in her presence there could be any forcible relations between the parties.

The application is vehemently opposed by learned Additional Public Prosecutor for the State, duly assisted by learned counsel for the complainant, who submitted that under threat the petitioner had sexually assaulted the complainant firstly on 30.05.2015 and thereafter she was taken to Jaipur, Sona Road Country Hotel, a hotel at Noida. The investigation regarding hotels and the facts of the complainant were found correct. As per the hotel records, the prosecutrix went with the accused at Jaipur on 08.08.2015 to 10.08.2015, Guagaon on 12.09.2015 and Noida on 26.09.2015.

Keeping in view the totality of the facts and circumstances of the case coupled with the fact that complainant is about 27 years of age and the fact that the petitioner has joined investigation, 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.20,000/- (Rupees Twenty 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

MARCH 02, 2016/*rd*