

\$~1

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 2738/2015

HARIOM PANDIT

..... Petitioner

Through Mr S.K. Divakar and Mr Dipesh
Dwivedi, Advocates

versus

STATE (GOVT OF NCT DELHI)

..... Respondent

Through Mr Akshai Malik, Additional Public
Prosecutor for the State along with
Insp. Mahesh Bawa, PS New Ashok
Nagar, Delhi.

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 22.04.2016

1. By this application, the petitioner seeks anticipatory bail in case FIR 1214/2015 u/s 376/506/342 IPC registered with Police Station New Ashok Nagar.
2. The FIR in the instant case was registered on the statement of one 'N' wherein she levelled allegations against the petitioner, who was the landlord, regarding commission of rape on her on 28th August, 2015 while she was living at her rented room.
3. Counsel for the petitioner submits that there is a delay of 10 days in lodging the FIR. There was some monitory dispute regarding the sale of plot by the petitioner to the husband of the complainant. Pursuant to the directions given by this court, he has already joined

investigation. As such, he be released on bail.

4. In the status report, it is stated that according to the petitioner, the wife of the petitioner runs a chit fund committee at her own home and complainant is also a member of the said committee. The chit fund committee is of 17 months in which the complainant gave 11 instalments and the remaining instalments were to be paid. He further stated that on 15th February, 2016, he sold a 30 sq.yd. plot to the complainant which was got registered in her name after taking Rs.40,000/- . Remaining amount of Rs.2,25,000/- was to be paid through Chit Fund Committee. When he approached the complainant for money, the complainant and her husband gave an excuse for that. The local inquiry revealed that there was a monitory dispute pending between the complainant and the accused.

5. Without expressing any opinion on the merits of the case, keeping in view the fact that the petitioner has already joined investigation coupled with the allegations made by the parties against each other, it is ordered that in the event of arrest:-

- (ix) 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.
- (x) He shall join the investigation as and when called for by the I.O.

- (xi) He shall furnish his address as well as contact number to the Investigating Officer.
- (xii) 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

APRIL 22, 2016/rs