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

+ **BAIL APPLN. 144/2017**

HARVINDER SINGH

..... Petitioner

Through :Mr. Sandeep Kapur, Mr. Laksh
Khanna and Mr. Ishan Shivakumar,
Advs.

versus

STATE

..... Respondent

Through :Dr. M.P. Singh, APP with W/SI
Roma Yadav, P.S. Kirti Nagar

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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24.01.2017

Crl. M.A. No. 1407/2017 (exemption)

Allowed, subject to all just exceptions. Application is disposed of.

BAIL APPLN. 144/2017

Learned counsel for the petitioner submits that petitioner had employed the prosecutrix as a Domestic Help through a placement agency. Prosecutrix worked with the petitioner for about four years and thereafter left the job. On 4th December, 2016 account of the prosecutrix was settled. Since ₹5,500/- was missing same was adjusted from the dues of the prosecutrix. As a counterblast, prosecutrix lodged the present FIR under Sections 376/354/354-A IPC at Police Station Kirti Nagar. In the FIR as

well as in her statement under Section 164 Cr.P.C., prosecutrix did not level any allegation of rape. She only stated that petitioner had touched her inappropriately on some occasions.

It is further submitted that on 17th January, 2017 prosecutrix has given an affidavit to the Investigating Officer stating therein that due to certain misunderstanding and differences with her employer, that is, petitioner, she had levelled allegations against him.

Learned APP submits that prosecutrix has stated to the doctor, who prepared the MLC that she was raped by the petitioner. After perusing the file of investigator he submits that affidavit of the prosecutrix dated 17th January, 2017 is there in the file. Learned counsel for the petitioner points out that no such allegations are there in the FIR and the statement under Section 164 Cr.P.C.

Keeping in mind the totality of circumstances, it is ordered that in case of arrest, petitioner be released on anticipatory bail subject to his furnishing a personal bond in the sum of ₹25,000/- (Rupees Twenty Five Thousand Only) with one surety of the like amount to the satisfaction of the Investigating Officer/Arresting Officer/SHO concerned.

Bail application is disposed of in the above terms. Dasti.

Crl. M.B. No. 146/2017 (for interim bail)

Application is disposed of as infructuous.

A.K. PATHAK, J.

JANUARY 24, 2017/rb