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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 265/2017**

ASHOK KUMAR GUPTA Petitioner

Through: Mr. Ashok Gurnani, Adv.

versus

THE STATE NCT OF DELHI Respondent

Through: Mr. Askshai Malik, APP for the State
with SI Harkesh Meena, PS Tilak
Marg.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **16.05.2017**

The first information report (FIR) No. 4/2017 was lodged on 05.01.2017 at about 9.00 p.m. in the police station Tilak Marg respecting an incident that had allegedly occurred sometime around 6.00 p.m. on the same evening in the chamber of the applicant at Patiala House Courts Complex where he is practising as an advocate. The police registered the case initially under Section 354A IPC. It is stated by the investigating agency that on the basis of statement made on the next day (06.01.2017) under Section 164 Cr.P.C. before the Magistrate offences punishable under Sections 354 and 354B IPC were also added. From this, however, it is not fair, not the least at this stage of the proceedings, to start doubting the veracity of the prosecutrix. Noticeably, the statement recorded initially resulting in the FIR being registered was cryptic. The prosecutrix is, however, on record to state that she had narrated the entire incident to the police officer who she met on arrival in the police station immediately after the occurrence. In the statement under Section 164 Cr.P.C. she elaborated the entire sequence of events.

Having regard to the allegations made, there being no explanation even offered at this stage as to why the prosecutrix should incriminate him, she seemingly being a rustic, resourceless person from far away town, it cannot be said that the version of the prosecutrix is unbelievable or that the accusation made against the applicant are unfounded.

Keeping in view the nature and gravity of offences involved, no case for anticipatory bail is made out.

The interim order is vacated.

The application is dismissed.

R.K.GAUBA, J

MAY 16, 2017

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