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

+ **BAIL APPLN. 771/2017**

SUNIL CHOPRA

..... Petitioner

Through: Mr. Mahinder Singh and Ajay Kumar
Pipaniya, Advocate

versus

STATE

..... Respondent

Through: Mr. Akshai Malik, APP with SI Anita,
PS Paschim Vihar

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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28.04.2017

Crl. M.A. 6973/2017 (Exemption)

Allowed subject to just exceptions.

BAIL APPLN. 771/2017

As per the first information report (FIR) No.471/2016 registered in police station Paschim Vihar on 28.12.2016 on the statement of the prosecutrix, she had been taken to the house of the applicant at the instance of the placement agency for working as a maid to look after the child (grandson of the applicant). The house in question is stated to be a two room flat (LIG flat) where the family living with the applicant includes his wife, daughter and son-in-law. As per the FIR, the applicant had made sexual advances towards the prosecutrix on the very first day (25.12.2016) of her arrival in the said household as a maid servant and allegedly at 7.00 p.m. she was subjected to forcible sexual intercourse after having been wrongfully confined. It is clear

from the evidence gathered thus far that the prosecutrix was returned to the office of the placement agency on 27.12.2016. After the FIR had been registered, the statement of the prosecutrix was recorded on 29.12.2016 under Section 164 Cr. PC before the Metropolitan Magistrate. It appears in the said statement the prosecutrix mentioned two episodes of forcible sexual intercourse, the last being of 28.12.2016.

In the given facts and circumstances, it is *prima facie* not believable that she would have been subjected to rape on the night of 28.12.2016 in the house of the applicant in as much as she had returned to the protection of the placement agency on the previous day and had also lodged an FIR immediately thereafter, though pursuant to the directions of the Sessions court at the time of hearing on the bail application moved there by the applicant, some further inquiry was made and the report of Additional Deputy Commissioner of Police (Outer District) dated 28.04.2017 indicates that in her further statement, the prosecutrix has attributed “language problem” to be the reason for such statement concerning incident of 28.12.2016, from the statement recorded earlier leading to the registration of the FIR and from the statement recorded under Section 164 Cr. PC, it appears there could not have been a language problem in as much as the prosecutrix had made a statement in Hindi on both occasions.

In the facts and circumstances, a case for protection in the form of anticipatory bail is made out. The application is allowed. It is directed that in the event of he being arrested, the applicant shall be released on bail on he furnishing a personal bond in the sum of Rs.30,000/- with one surety in like amount to the satisfaction of the

arresting officer subject to the condition that he shall fully cooperate with the investigation and shall join investigation as and when called upon to do so and further that he would not try to tamper with or influence any of the witnesses.

Dasti.

R.K.GAUBA, J

APRIL 28, 2017

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