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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1265/2017

RANBIR SINGH

..... Petitioner

Through: Mr.Ajay Inder Sangwan, Mr.Sachin
Sangwan and Mr.Tarunesh Kumar

versus

STATE (GOVT. OF NCT)

..... Respondent

Through: Mr.Kamal Kumar Ghei, APP for State
with Inspector Rajesh Maurya, PS
Vasant Kunj (North)

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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24.10.2017

The applicant by the present application seeks grant of anticipatory bail and vide order dated 6.7.2017 has been granted interim protection till today.

The FIR No.310/2016 is indicated to have been registered on 29.5.2016 under Sections 323/342/354/34 of IPC, 1860 at Police Station Vasant Kunj (North) and subsequently it is indicated that the allegations of commission of the offence punishable under Section 376-D read with Section 511 of the IPC, 1860 has been added on behalf of the applicant.

Inter alia a submission has been made on behalf of the applicant that on the date of the registration of the FIR, it is the applicant who had first made a complaint to the SHO, PS Vasant Kunj (North) on 29.5.2016 in relation to the incident that had taken place on 29.5.2016 at 11 a.m. and that he had also informed the police of the same and that the incident related to unknown persons who had entered into the office of the applicant and had started beating

Sh.Mahavir, i.e. the said person to whom the money is alleged to have been given by the spouse of the prosecutrix. Through the said complaint dated 29.5.2016, it is stated by the complainant thereof, i.e., the applicant therein had also been pushed and kicked on his chest and someone also had snatched his gold chain and cash around Rs.15000-16000/- and it has thus been submitted on behalf of the applicant that he has been deliberately falsely implicated.

It has been further submitted that the addition of the said provision of Section 376D read with Section 511 of the IPC, 1860 is calculated and deliberate and that the statement under Section 164 Cr.P.C., 1973 of the prosecutrix dated 8.6.2016 makes deliberate and intentional improvements to implicate the applicant/petitioner who is not at all concerned with any monetary transaction between the prosecutrix and her spouse or with Sh.Mahavir, to whom the money is alleged to have been given and admittedly, as testified by the prosecutrix, no money is stated to have been given to the present applicant.

It has also been submitted on behalf of the applicant that the applicant had previous been granted interim protection vide order dated 10.6.2016 by the Additional Sessions Judge-01, Patiala House Court, thereafter also vide order dated 22.7.2016 of the Additional Sessions Judge-03, in relation to bail application filed by the applicant and that vide order dated 7.10.2016 also of the Special Judge, CBI-02 also, the applicant had been granted anticipatory bail with the conditions that the applicant shall not leave the country without prior permission and would not tamper with the evidence.

It has been submitted on behalf of the applicant that the that the initial information lodged with the SHO, PS Vasant Kunj (North) was in relation to a quarrel with a lady and there is no assertion whatsoever in relation to any attempt of rape and the FIR was registered only under Section 323/342/354/34 IPC.

Without any observation on the merits or demerits of the case or the trial of the case, it is essential to observe that through in the instant case the FIR is indicated to have been registered only under Section 323/342/354/34 IPC, significantly the averments in the said FIR lodged on the complaint of the complainant/prosecutrix categorically assert to the effect that the applicant had made an attempt of forcibly raping her. Despite the said averment in the FIR, itself the FIR is indicated to have been registered under Section 323/342/354/34 IPC, 1860 only. The statement under Section 161 of the Cr.P.C. of the prosecutrix dated 29.5.2016 placed on the case diary of the State also makes mention of an attempt of forcible rape by the applicant. The statement under Section 164 of the CrPC, 1973 of the prosecutrix dated 8.6.2016 recorded before the learned Metropolitan Magistrate (Traffic), New Delhi gives the graphic account of the alleged attempted rape by the applicant.

In these circumstances, there is no ground for grant of anticipatory bail.

The application is dismissed.

ANU MALHOTRA, J

OCTOBER 24, 2017/sv