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

+ BAIL APPLN. 1329/2017

KAPIL VERMA

..... Petitioner

Through: Mr.Mukesh Hooda, Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms.Kusum Dhalla, APP for the State
with W/SI Sushila, PS Tilak Nagar

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

24.07.2017

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1. The petitioner Kapil Verma is seeking anticipatory bail in FIR No.148/2017 under Sections 328/376/354(c)/506 IPC & Section 4 POCSO Act, PS Tilak Nagar on the following grounds:

(i) The petitioner and the complainant/victim became friends through Facebook and had been meeting but it was restricted to friendship only.

(ii) He is an educated person holding MBA degree. He is aged about 29 years and has a bright future ahead. His arrest in this case would destroy his future prospects.

(iii) The allegations made by the victim against him are false, with a view to blackmail him as the complainant/victim wanted to grab the flat of the petitioner which is in the name of his mother and had been pressurising him

to get the said flat transferred in his name from his mother.

(iv) They had been in regular touch on mobile phone and even the complainant/victim had been calling him/giving missed calls. He also talked to the mother of the complainant number of times which could not have been possible had the relationship between the complainant and the petitioner was not cordial or friendly.

2. As per the complaint made by the 'K' (name withheld) which formed the basis of registration of FIR No.148/2017, under Sections 328/376/354(c)/506 IPC & 4 POCSO Act, PS Tilak Nagar, she met the petitioner on Facebook and though his real name is Kapil Verma, his ID was with the name Ronit Roy. After friendship and talks for about 10-15 days, they met at Pacific Mall where she came to know about his real name. They had gone for outing number of times and once she also visited his house where she was served with a cold drink containing some intoxicant and she started feeling giddy. The petitioner allegedly had physical relations with her and also took her obscene photographs. Thereafter the petitioner had been allegedly forcing her to have physical relations by blackmailing her on the basis of those photographs. He also threatened to upload the photographs on the facebook/social site and also to send them to her friends and relations. It is also mentioned in the complaint that thereafter he created fake ID in her name and uploaded the photographs on Facebook and social sites. She has specifically mentioned that she was aged about 17 years i.e. minor at that time. She apprehended threat to her life as she was being defamed and threatened by the petitioner.

3. In the decision reported as **Jai Prakash Singh vs. State of Bihar and Anr.** (AIR 2012SC1676) the Supreme Court has laid down the parameters to be considered for grant of anticipatory bail which are as under:

“Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the Court must record the reasons therefore. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has falsely been enroped in the crime and would not misuse his liberty.”

4. When the accusations against the petitioner are examined, it appears to be a case where after becoming friends through Facebook, the petitioner has allegedly sexually exploited her by putting her under the fear that her obscene photographs shall be uploaded on the social sites and Facebook. The complainant has claimed herself to be a minor at that time.

5. Considering the nature and the gravity of the offence, I do not find it to be a fit case to grant anticipatory bail.

6. The application is dismissed.

PRATIBHA RANI, J.

JULY 24, 2017

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