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

+ **BAIL APPLN. 1350/2017 & Crl. M.A. no. 11201/2017**

**ABHISHEK KALITA**

..... Petitioner

Through

:Mr. Puneet Mittal, Sr. Advocate with  
Mr. Amitej Kumar Nagar, Ms. Arushi  
Tangri and Mr. Rajesh Kumar Singh,  
Advts.

versus

**THE STATE GOVT OF NCT OF DELHI**

..... Respondent

Through

:Mr. M.S. Oberoi, APP with Inspector  
Kamini Gupta, P.S. South Campus for  
the State  
Mr. Amitabh Neehar, Adv. for the  
complainant

**CORAM:**

**HON'BLE MR. JUSTICE A.K. PATHAK**

**ORDER**

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**18.07.2017**

Learned Senior Counsel for the petitioner submits that initially the FIR was registered under Sections 66-E/67 of the Information Technology Act, 2000 and Section 506 of the IPC. Complainant/prosecutrix had admitted that she was in live-in relationship with the petitioner. The only allegation levelled by her is that pictures shared by her with the petitioner were uploaded on the websites without her consent. Even she was not sure at the time of lodging of FIR that pictures were uploaded by the petitioner as

she had only suspected the hand of the petitioner. It is further submitted that petitioner is suffering from psychiatric disorder. Subsequently, in her statement recorded under Section 164 of the Cr.P.C., complainant/prosecutrix has levelled allegations of unnatural, oral and anal sex. It is submitted that petitioner may be enlarged on anticipatory bail as he has joined the investigation.

Learned APP, who is assisted by the learned counsel for the complainant, has vehemently opposed the grant of anticipatory bail to the petitioner. It is submitted that in her statement recorded under Section 164 of the Cr.P.C., prosecutrix has levelled allegations of threats extended by the petitioner. She has categorically stated that petitioner had forcible oral and anal sex with her. Accordingly, Section 377 IPC was added in the FIR. It is further submitted that complainant has also stated that after she broke the relations with petitioner, he started blackmailing her, inasmuch as uploaded her photographs. Learned APP submits that subsequently, it also came to the notice of the prosecutrix that her nude photographs and videos were also uploaded. During the investigations such material has been collected by the Investigating Officer. Some of the nude photographs are in the investigation file and have been perused by this Court. It is submitted that custodial

interrogation is required.

Keeping in mind the above facts and circumstances and in view of the serious allegations levelled in the FIR, I am not inclined to extend the benefit of anticipatory bail to the petitioner. Bail application is dismissed. Miscellaneous application is disposed of as infructuous.

**A.K. PATHAK, J.**

**JULY 18, 2017**

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