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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1427/2017

Order Reserved on: 2nd November, 2017
Order Pronounced on: 13th November, 2017

SANJAY

.....Petitioner

Through: Mr. Braham Singh with Mr. Rohit
Vidhudi, Mr. N.S. Vidhudi and
Ms. Manju, Advocates.

versus

THE STATE

....Respondent

Through: Ms. Anita Abraham, APP for the State
with SI Anjani Kumar Singh P.S. Vasant
Kunj South.
Mr. D Hasija, Advocate for complainant
alongwith complainant in person.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

1. The present petition has been filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') for seeking **grant of anticipatory bail** in FIR No. 292/2017 under Sections 323/376 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') registered at PS, Vasant Kunj South.
2. Brief facts of the present case are that on 01.07.2017 a complaint was lodged against the petitioner wherein the complainant stated that in the year 2011 when the petitioner and his sister came to

Delhi in search of a job, they sought space for residing in the complainant's house on the assurance that they would vacate the premises as and when they would be able to arrange a separate accommodation for themselves; that the complainant and her husband made repeated requests to the petitioner from the past 3-4 years to vacate their house however, the petitioner demanded money from them to arrange accommodation for himself; that in February, 2017 the petitioner despite arranging a separate accommodation, continued to reside in the complainant's house and also demanded money from them; that the complainant and her husband handed over an amount of Rs. 10,000/- and later Rs. 1,50,000/- to the petitioner to vacate the premises; that after leaving complainant's house, the petitioner started spreading rumours of illicit relations of complainant with him; that on 16.05.2017, while the complainant was going to work, the petitioner alongwith co-accused Bablu restricted her way and physically assaulted her and also threatened her that they would reveal her nude photographs and videos in their possession, to the public; that on 20.05.2017 when the petitioner and co-accused Bablu called the complainant home on the pretext of settling the matter, the petitioner committed rape upon her and co-accused Bablu recorded the whole incident on his mobile phone; that on 08.06.2017 the complainant was again stopped by the petitioner while she was going for work and forcibly made her sign some papers under threat of making her intimate photos and videos viral; that on 09.06.2017 the petitioner took the complainant to Patiala

House Courts, New Delhi and obtained her signatures on certain documents under threats; that hence the present FIR was registered under Sections 323/376 of IPC.

3. Mr. Braham Singh, learned Counsel for the petitioner contended that petitioner has been falsely implicated in the present case by the complainant and her husband to extort money and residential premises of the petitioner; that the present complaint has arisen out of a family dispute and no criminal case can be made out against the petitioner; that petitioner is ready to join investigation as and when required; that hence in the aforesaid circumstances anticipatory bail be granted to the petitioner.
4. Per Contra, Ms. Anita Abraham, learned Additional Public Prosecutor for the State filed the status report and vehemently opposed the aforesaid contentions of the petitioner. It is submitted on behalf of the State that the complainant has specifically stated in her complaint that the petitioner had taken obscene photographs of her and that the petitioner may threaten and pressurize her with the same; that recently also the complainant has been threatened and a compliant has been made to SHO, P. S. Vasant Kunj; that on this pretext, it is prayed that the bail application of the petitioner be rejected.
5. I have heard the learned counsels for the parties and perused the material available on record.
6. From a perusal of the record, it transpires that the petitioner in the present case is known to the complainant being her brother-in-law. It is apparent that besides specific allegations of sexual assault

against the petitioner, the complainant has also alleged that the petitioner has been blackmailing and threatening the complainant with her illicit photographs and videos in his mobile phone. As per the Status Report dated 11.09.2017, filed on behalf of the State, the FSL Report in respect of the alleged photographs and videos in the mobile phone of the petitioner is still awaited. Moreover the investigation is at a preliminary stage and so far nothing substantial has been brought forth to make a good ground for grant of anticipatory bail to the petitioner.

7. Perusal of the statements of the complainant under Section 161 and Section 164 Cr.P.C. reveals that the complainant has taken a consistent stand and both the statements corroborate each other on material allegations against the petitioner. After recording of the statement of the complainant under Section 164 Cr.P.C., Section 341/354 IPC have also been added. Further it also brought on record that on 05.08.2017 the complainant has made a fresh complaint due to repeated threats received from the petitioner and an FIR No. 436/17 under Section 341/354/509/506 IPC has been registered.
8. In view of the aforesaid facts and circumstances of the present case; and while perusing the allegations levelled against the petitioner, and considering the nature and gravity of the alleged offence, this Court is not inclined to grant anticipatory bail to the petitioner at this stage.
9. Accordingly, the petition for grant of anticipatory bail stands dismissed.

10. Before parting with the above order, it is made clear that anything observed in the present petition shall not have any bearing on the merits of the case during trial.

SANGITA DHINGRA SEHGAL.J

NOVEMBER 13, 2017

