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

+ **BAIL APPLN. 1594/2017**

LOKESH BATRA

..... Petitioner

Through

Mr. Jatan Singh, Mr. Pawan
Madhukar, Advs.

versus

GOVT OF NCT OF DELHI

..... Respondent

Through

Mr. Panna Lal Sharma, APP for State
with IO SI Kiran.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **30.11.2017**

The status report of the State is on record.

On behalf of the applicant, it has been submitted that pursuant to the direction dated 21.08.2017, the applicant has joined the investigation.

Vide proceedings dated 21.08.2017, it has been observed to the effect that after the allegations that were made in the FIR pursuant to which the FIR No. 43/2017 was registered under Sections 448/380/354-A/354-B/323/34 Indian Penal Code, 1860 in relation to the stated incident of 27.02.2017 qua which DD no. 033A had been recorded at PS Rohini South on 10.07.2017, there were allegations made by the complainant in her statement recorded under Section 164 Code of Criminal Procedure, 1973 of sexual intercourse and unnatural sex by the applicant and his unknown friends and as a consequence of which Sections 376D and 377 of the Indian Penal Code, 1860 had been added and taking the said aspect into consideration vide proceedings dated 21.08.2017, the applicant was granted interim protection till date.

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The status report submitted by the State on record indicates that the complainant has been asked to join the investigation but had been unable to give the names of the other persons by whom she was assaulted sexually.

In reply to a specific Court query to the State as to why the proceedings under Section 164 Criminal Procedure Code, 1973 were recorded on 10.07.2017 with the date of the incident being 27.02.2017, it has been submitted that the complainant had not joined the proceedings and could not be traced out. It has also been informed on behalf of the State as submitted on behalf of the appellant as also recorded in the proceedings dated 21.08.2017 that there is another case FIR No. 44/2015 dated 27.02.2017 (i.e. of the same date), PS South Rohini under Sections 323/354A/354B/509/506/34 of the Indian Penal Code, 1860 registered against the complainant of the present case and her friend Sh. Rajeev Sharma. It has also been informed on behalf of the State in reply to a specific Court query that there are no previous adverse antecedents against the applicant.

Taking into account the totality of the circumstances put forth, the applicant is allowed to be released on bail in the event of the arrest on furnishing personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the Trial Court subject to the conditions that he shall not intimidate the witnesses in any manner and shall not tamper with the evidence and shall join the investigation, as and when required and shall not leave the country without permission of the Court.

ANU MALHOTRA, J

NOVEMBER 30, 2017/MK
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