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

+ **CRL.M.C. 3387/2017**

ANISHA SHAH

..... Petitioner

Through Mr. Jaspreet Singh Rai, Adv.

versus

THE STATE NCT OF DELHI & ANR

..... Respondents

Through Mr.Ashish Dutta, APP.

SI Jasmer Singh, P.S. Jahangir Puri

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **28.08.2017**

CRL. M.A. 13834/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 3387/2017

The petitioner has sought cancellation of anticipatory bail granted to the respondent No.2 by the Court below, namely the Special Judge (NDPS), North District, Rohini Courts, Delhi in connection with FIR No.229/2017 by order dated 13.07.2017.

The petitioner has alleged in the FIR that she worked in a placement company of the respondent No.2. While on job, she was taken in a car by the respondent No.2 and was administered some stupefying substance. On her regaining consciousness, she was informed by the respondent No.2 that he had taken some nude snaps of her and would put it on social media. The

petitioner is alleged to have been blackmailed by the respondent No.2. The petitioner thereafter left the service of the respondent No.2. It has been submitted that later, on the pretext of deleting such photographs and videos, the petitioner was again taken to a hospital and was subjected to sexual intercourse.

Thereafter on the next day as has been alleged, the petitioner was taken to Max hospital by the respondent No.2 where she was left unattended.

From the order impugned it appears that earlier to the present case, the prosecutrix had lodged another case vide FIR No.106/2017 with Police Station Paharganj for the offences under Sections 376 and 506 of IPC in which the petitioner had been granted anticipatory bail. The respondent No.2 has also filed a civil suit for cancellation of the sale deed executed by him in favour of the petitioner for non payment of sale consideration of Rs.18 lakhs. It was submitted on behalf of respondent No.2, before the Court below that the instant case was lodged only to put pressure on him to withdraw the civil suit preferred by him. It was contended that the prosecutrix wanted to extract money from the respondent No.2 and, therefore, such a false case was lodged.

The perusal of the order impugned further reveals that the Court below took the view that it was highly impossible to believe that despite the petitioner having been subjected to sexual intercourse, she still agreed to be taken to hospital by the respondent No.2. That apart, the Court below also did not observe any post traumatic symptoms of rape in the petitioner. Certain photographs which were uploaded by the prosecutrix on her facebook page gave an impression to the Court below that the present case

was lodged for ulterior purposes.

Be that as it may, the petitioner has not shown either that the bail was obtained on wrong submission of facts or by misleading the Court or that after the grant of bail, the respondent No.2 has in any manner tried to tamper with the evidence or has threatened the prosecutrix. Once bail is granted to an accused, a right accrues to him which may not be interfered with lightly.

No good ground has been made out by the learned counsel for the petitioner for warranting any interference with the order passed by the Court below.

The petition is, therefore, dismissed.

ASHUTOSH KUMAR, J

AUGUST 28, 2017

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