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

+ **BAIL APPLN. 1882/2017**

NARESH KUMAR KOTHARI Petitioner

Through: Mr. Atul Guleria, Advocate.

versus

STATE NCT OF DELHI Respondent

Through: Mr. Ashish Dutta, APP for the State
with W/SI Bahrgawi Chauhan, PS
Mandawali.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **13.12.2017**

Vide order dated 11.12.2017, it has been submitted on behalf of the State in the status report that the applicant has been asked to furnish his mobile phone containing obscene photographs and video of the complainant which was refuted by the applicant stating that he had destroyed and could not get the same recovered, though, he did join the investigation pursuant to the directions dated 27.11.2017. It has thus, been submitted on behalf of the State that the production of the mobile phone by the applicant is necessary and his presence is required for custodial interrogation.

On behalf of the applicant, reliance is placed on the reply dated 01.09.2017 to the anticipatory bail application of the applicant submitted by the Investigating Officer indicating that during the course of the investigation then conducted, itself it had been stated by the applicant that

he had already broken the mobile phone.

It is indicated as per the statement of the prosecutrix dated 13.07.2017 recorded under Section 164 Cr.P.C at the time of the commencement of the alleged relations between the applicant and the prosecutrix in the year 2016, that the prosecutrix was already a married woman and even after that she had met the applicant at several places, i.e. Jamshedpur, Vishakhapatnam, Chennai and Delhi.

It has been submitted on behalf of the State and also in reply to a specific court query that there are no previous antecedents against the applicant.

In the event of arrest, the applicant is allowed to be released on bail on his furnishing a bail bond in the sum of Rs. 1,00,000/- with one surety of like amount to the satisfaction of the learned Trial court subject to the conditions that he shall not leave the country, that he shall join the investigation of the case, shall not contact the complainant, shall not commit any offence whatsoever and also not upload any photograph nor any video relating to the complainant on any website or on any public domain.

In the event of commission of any such offence or lodging of any FIR, the State is directed to bring the same to the notice of the court forthwith.

ANU MALHOTRA, J

DECEMBER 13, 2017
Neha Chopra