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IN THE HIGH COURT OF DELHI AT NEW DELHI
BAIL APPLN. 83/2018

GAURAV KUMAR

..... Petitioner

Through: Mr. Rajeev Sirohi, Advocate.
versus

STATE (GOVT.OF NCT OF DELHI)

..... Respondent

Through: Mr. Ashish Dutta, APP for State with
WSI Brahmo Devi.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **11.07.2018**

1. The petitioner is a practicing advocate who appears to have been engaged by Vikas, husband of the prosecutrix, in the context of various criminal cases which came to be registered against him over a prolonged period. The prosecutrix, at whose instance, the FIR No. 199/2017 has been registered by Police Station South Campus on 27.10.2017 for offence punishable under Section 376/34 IPC claims to have lived with the said Vikas for several years, she statedly having been subjected to ill-treatment and sexual assaults not only by the said Vikas but also, at his instance, by his elder brother Nitin and the petitioner herein, who was the counsel representing the said Vikas in various cases.

2. The perusal of the FIR and the statement under Section 164 Cr.P.C. show that the prosecutrix claims to have entered into a formal marriage ceremony in a temple on 29.09.2017, this against the

backdrop of she having been subjected to forcible sexual intercourse by the said Vikas and at his instance by certain others. The same prosecutrix had also lodged a complaint on 10.10.2017 with Police Station Uttam Nagar which was translated into FIR No. 2/2018 on 04.01.2018 for offence punishable under Section 506 IPC. Noticeably, in the said complaint dated 10.10.2017, which would be anterior to the lodging of the FIR in the present case, allegations of criminal intimidation constituting offence punishable under Section 506 IPC were levelled only against the husband, i.e. Vikas, this also to the effect he was threatening to commit suicide, his parents also being involved in the harassment and they having raised illicit demands for dowry. Similarly, the same prosecutrix had lodged another complaint on 17.10.2017, this involving offence punishable under Section 325/34 IPC. Undoubtedly, in the said complaint dated 17.10.2017, she attributed a role in the physical assault leading to grievous hurt being caused not only by the husband Vikas and two others but also the petitioner herein, she also expressing grievance that she was subjected to insult by use of some casteist comments. Noticeably, in the said complaint dated 17.10.2017, she would not attribute any such previous history of forcible sexual intercourse by any person including the husband or others. Noticeably again, in the said FIR she would also express that she wanted to live with her husband, i.e. Vikas, which desire expressed so clearly has to be contrasted against the allegations made in the present FIR.

3. Having regard to the above facts and circumstances, the co-accused Vikas and Nitin having already been admitted to bail, a case for anticipatory bail is made out.

4. Thus, it is directed that in the event of the petitioner being arrested, he shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs.25,000/- with one surety in the like amount subject to the following further conditions:-

(i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;

(ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;

(iii) Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;

(iv) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(v). He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court; and

(vi) This order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of

the investigation and process being issued against him by the court of cognizance.

5. *Dasti* under the signatures of Court Master.

R.K.GAUBA, J

JULY 11, 2018

srb

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