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

+ **BAIL APPLN. 236/2017**

ANIL CHAUHAN

..... Petitioner

Represented by: **Mr. M.P. Sinha, Advocate.**

versus

STATE (DELHI ADMN)

..... Respondent

Represented by: **Ms. Meenakshi Chauhan, APP
with SI Sushila.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

31.07.2018

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1. By this petition, the petitioner seeks anticipatory bail in case FIR No. 1156/2016 under Sections 376/406/328/506 IPC registered at PS Samaipur Badli.

2. In her complaint the prosecutrix alleged that one day she was making a call to her friend when by mistake she connected to another number thereafter she started receiving calls from the said number. The person who was calling her introduced himself as Anil, the petitioner herein, who was working as an agent of coriander in Azadpur Mandi, Delhi. He allured the prosecutrix and took information from her whereafter he started visiting her house from June, 2016. She stated that she had sold a plot for ₹12.50 lakh and she had ₹7-8 lakhs in cash. Petitioner asked her to invest the money as a partner in a factory of making shoes in Sonipat, Haryana which he was

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going to start in upcoming days. Since she trusted the petitioner, she gave him ₹12 lakh on the pretext that an agreement could be entered into after some days. After taking the money the petitioner started avoiding her. It is further alleged that one evening the petitioner visited her house and opened a bottle of alcohol when she objected to the same he stated that he was not asking her to drink, she could take a cold drink. Thus she took a cold drink, however, after some time she felt dizziness and when she regained consciousness, she felt she was raped. When she objected to the same he started misbehaving with her. She was trying to make a call at No. 100 but he snatched her phone and showed her a video about the wrong act. Due to fear she made no complaint. After the incident petitioner kept on coming to her house and kept on taking money from her and threatened her that he would show her blue film to her children and took ₹5 lakhs more from her time to time. He again demanded ₹5 lakhs, thus she lodged a complaint on which the above noted FIR was registered.

3. During the course of investigation the mobile phone and USB port were seized, sent to FSL and the report received thereon is as under:

“1. The exhibit marked SC 1 was analyzed by using Universal Forensic Extraction Device (UFED) of M/s Cellebrite Mobile Synchronization LTD., Israel. But no video file and images could be received from the exhibit marked SC 1.

2. The USB port of exhibit marked MP 1 was physically damaged as such the same could not be attached with Universal Forensic Extraction Device (UFED) of M/s Cellebrite Mobile Synchronization LTD., Israel. Hence, Data could not be retrieved from the exhibit marked MP1”.

4. As per the documents of the sale of the said property the consideration was ₹1.50 lakh, however, it is the case of the complainant that she received rest of the total amount in cash and the plot was sold for ₹12.50 lakhs.
5. Bank account transactions of the complainant were also checked as her claim was that she had been giving money to the petitioner and it was not revealed that there was any transaction from the bank account of the complainant to that of the petitioner.
6. After completion of investigation charge sheet has since been filed. Since the petitioner is no more required for any further investigation, this Court deems it fit to grant anticipatory bail to the petitioner.
7. It is, therefore, directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety bond of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that the petitioner will not leave the country without prior permission of the Court concerned and in case of change of residential address the same will be intimated to the Court concerned by way of an affidavit.
8. Petition is disposed of.
9. Order dasti.

MUKTA GUPTA, J.

JULY 31, 2018
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