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

+ **BAIL APPLN. 482/2018**

KHUSHBOO SINGH & ANR

..... Petitioners

Through : Mr.Mukesh Gupta, Advocate with Mr.P.S.Rana &
Ms.Disha Passi, Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through : Mr.Tarang Srivastava, APP.
Mr.Kirti Uppal, Sr.Advocate for the complainant.
Insp.Rajesh Jha, PS New Ashok Nagar.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **15.03.2018**

1. The petitioners seek anticipatory bail under Section 438 Cr.P.C. in case FIR No.755/2017 registered under Sections 67(A) of I.T.Act, 2000 at PS New Ashok Nagar. Status report is on record.
2. I have heard the learned counsel for the parties including the Senior Counsel for the complainant and have examined the file.
3. Before rejection of anticipatory bail by the Trial Court admittedly interim protection was granted to the petitioners with the condition that they shall join the investigation. It has come on record that both the petitioners joined the investigation on several dates.
4. It is further informed that the petitioners have already handed over two mobile phones to the Investigating Officer and the report

from FSL is yet to be received. Regarding the phone which the complainant insists to be recovered, it is stated that it has since been lost on 06.03.2016 at Kuala Lumpur and information was given to Malaysia airport authorities on 07.03.2016 on their immediate arrival in India; copy of the e-mail dated 07.03.2016 (Annexure 'P-6') has been placed on record.

5. The petitioners and the complainant were acquainted with each other prior to the incident. They were involved in monetary / business transactions. Petitioner No.1 was in employment with the complainant for sufficient duration. Dispute arose between the parties subsequently. It has come on record that the complainant has filed CS 802/2017 '*Kraftstreet Fashion India Pvt. Ltd. vs. Abhishek Chauhan & Ors.*' in Noida; another suit for permanent and mandatory injunction etc. before this Court being CS(OS) 668/2017 before the lodging of the FIR. A case vide FIR No.90/2018 at Police Station New Ashok Nagar under Sections 376(2)(f)/506 IPC has also been registered against the present complainant.

6. Only allegations against the petitioners are that they transmitted conversation of the complainant with a lady recorded in the mobile phone of the petitioner No.1, his ex-employee when they were at Hong Kong and his phone was not functioning properly. The said conversation for about 21 minutes' duration contains sexually explicit contents involving him and his girlfriend. This conversation was transmitted by the petitioners to their relatives to defame him. Admittedly, no proceedings for defamation have been instituted so

far.

7. Considering the facts and circumstances of the case and the involvement of the parties in various other litigations and the fact that they have already joined the investigation, no custodial interrogation of the petitioners is required. The petitioners are, thus, admitted to anticipatory bail and in the event of arrest, they be released on furnishing personal bonds in the sum of ₹ 50,000/- with one surety each in the like amount to the satisfaction of the SHO/Investigating officer. They shall, however, join the investigation as and when required. It is further ordered that the petitioners shall not transmit any defamatory contents to any of the relatives of the complainant by any means whatsoever from any mobile or other instrument.

8. The bail application stands disposed of.

S.P.GARG, J

MARCH 15, 2018 / tr