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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 576/2018 & CRL.M.A. 4729/2018**
PAWAN KUMAR SHARMA Petitioner
Through: Mr. Ajay Sharma, Adv.

versus

STATE Respondent
Through: Mr. Ashish Dutta, APP for State with
SI Hema Choudhary, PS Khajuri
Khas.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **14.03.2018**

On behalf of the applicant the anticipatory bail is sought in FIR No.779/2017, PS Khajuri Khas, under Sections 376/506 Indian Penal Code, 1860 and Section 6 of the POCSO Act, 2012 lodged on the complaint of Ms. X, daughter of the petitioner aged 15 years alleging gross allegations of commission of sexual assaults and rape by the petitioner on the minor child. It has been submitted on behalf of the applicant that the applicant has been falsely implicated at the behest of his wife qua whom, the applicant had also filed a missing report on 21.10.2017 at PS Khajuri Khas and the petitioner's wife is in relationship with her paramour named Kuldeep and pursuant to the same, she has been meting out threatening calls to the petitioner and has taken away gold belonging to the petitioner. On behalf of the applicant it has also been submitted that there are calls between the petitioner's wife and her paramour to the petitioner between the period from 20.12.2017 to 30.12.2017 indicating threats meted out by

the wife of the petitioner *inter alia* allegedly threatening to the effect that she would even get him implicated in a rape case at the behest of the daughter i.e. the complainant of the present FIR. It has also been submitted on behalf of the applicant that the wife of the petitioner had sought the grant of mutual consent divorce, to which the petitioner did not accede to and as a consequence thereof, the petitioner has been falsely implicated.

On behalf of the State the application is opposed submitting *inter alia* to the effect that allegations in relation to the aspect of gold having been taken away by the wife of the petitioner have been brought forth to be erroneous during the investigation and that the complaint made by the minor child and her statement recorded under Section 164 Cr.PC, 1973 are in corroboration with the gross allegations levelled against the father i.e. the petitioner.

On a consideration of the totality of the allegations put forth, on a perusal of the statement under Section 164 Cr.PC, 1973 of the minor child, there is no ground for grant of anticipatory bail.

The petition is declined.

ANU MALHOTRA, J

MARCH 14, 2018

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