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

+ **BAIL APPLN. 678/2018 and Crl. M.B. No. 519/2018**

KAVITA

..... Petitioner

Represented by: **Mr. Raj Bhalla and Mr. D.M. Bhalla, Advocates.**

versus

STATE

..... Respondent

Represented by: **Mr. Amit Ahlawat, APP for State with SI Neetu Yadav, PS Burari.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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13.04.2018

1. By this petition, the petitioner seeks anticipatory bail in case FIR No. 624/2017 under Sections 376/376(2) (f)/506/370/370A/109 IPC read with Sections 4/6/19/21 of the Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act') registered at PS Burari, Delhi.
2. The petitioner had earlier applied to this Court for anticipatory bail being Bail Appln. No.2672/2017 which application was permitted to be withdrawn vide order dated 29th December, 2017 with liberty to renew the prayer at the appropriate stage. Thus renewal of the prayer would mean that the petitioner was granted liberty to file a fresh anticipatory bail.
3. Prosecutrix is the daughter of the petitioner. In the FIR the prosecutrix alleged that she was aged 17 years and six months and presently residing with her father and studying B.A. 1st year. She stated that earlier

BAIL APPLN. 678/2018

Page 1 of 4

she was staying with her mother and two brothers however, for the last three months she was residing with her father. Her mother and two brothers were staying separately. She further alleged that a day prior to the complaint on which FIR was registered, that is, 29th October, 2017 at about 2.00 PM her neighbour Parvesh Grover came to her house inquiring about her father. At that time her mother, both brothers and friend came there and pushed Parvesh Grover inside the house and locked from outside. Mother of the prosecutrix called the police, however, Parvesh went out after jumping the wall of the house. Prosecutrix claimed that Parvesh Grover had not done anything wrong with her and she had no grievance against him. Her case was that Parvesh Grover was pushed inside the house by her mother to defame her. The prosecutrix further went on to allege that on 17th April, 2016 her uncle Praveen Kumar came to her house when her father and brothers were not there. It is alleged that her uncle forcibly established physical relationship with her. When she told this to her mother she slapped her. Thereafter her uncle has been establishing relationship with her. She further stated that prior thereto one Nikhil who was on visiting terms of their house has also established physical relationship with her on 22nd April, 2016 and when she resisted she was threatened to be killed by administering pesticide on 25th April, 2016 for which she was treated.

4. As against the version of the prosecutrix, petitioner has placed on record a number of complaints filed by the petitioner against Parvesh Grover who was a married man and was exploiting her daughter. Besides complaints, the petitioner has also filed complaint under Section 156 (3) Cr.P.C. for registration of FIR against Parvesh Grover in respect of the ***BAIL APPLN. 678/2018***

minor daughter who was exploiting her minor daughter and had lured her.

5. Grievance of the petitioner was that the daughter was totally under influence of Parvesh Grover, who is a married man and had children. Mother of the prosecutrix had not only filed complaints with the police but had also approached the Women's Commission and various authorities. All these complaints were prior to 30th October, 2017 when the prosecutrix got registered FIR No. 624/2017 on 31st October, 2017.

6. A perusal of the FIR lodged by the prosecutrix also reveals that before she made any allegation against her uncle and Nikhil, her main statement was to give a cover to Parvesh Grover and that he was not involved in any illegal activity.

7. Notably, even as per learned APP for the State the petitioner and her husband were living separately since 2016. As per the Investigating Officer, father of the prosecutrix was living separately from her mother and brothers even prior to 17th April, 2016, when she states that the incident took place when her father and brothers were not present. Needless to note that for the incident of April, 2016 no complaint was made by the prosecutrix till the mother made a PCR call against Praveen Kumar on 29th October, 2017.

8. Considering the nature of documents placed on record by the petitioner without commenting on the merits of the matter, this Court deems it fit to grant anticipatory bail to the petitioner. It is, therefore directed that in the event of arrest the petitioner be released on bail on her furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned further subject to the condition that the petitioner will intimate her present

residential address and in case of change of residential address, the same will be intimated to the Court concerned by way of an affidavit.

9. Petition and application are disposed of.

10. Order dasti.

MUKTA GUPTA, J.

APRIL 13, 2018

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