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

DECIDED ON : 16th APRIL, 2018

+ **BAIL APPLN. 812/2018 & CRL.M.A.No.6704/2018**

ANSHUL MALIK Petitioner

Through : Mr.Anshuman Animesh, Advocate with
Mr.Nipun Katyal, Advocate.

versus

STATE Respondent

Through : Ms.Radhika Kolluru, APP.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

1. The petitioner seeks anticipatory bail u/s 438 Cr.P.C.in case FIR No.1219/2017 registered under Sections 376/328 IPC at Police Station Vijay Vihar. Status report is not on record.

2. I have heard the learned counsel for the parties and have examined the file. Petitioner's counsel urged that false allegations have been levelled against the petitioner by the prosecutrix to extort money. He further contended that there is huge delay in lodging the FIR by the prosecutrix. During this period, attempt was made by the prosecutrix through her counsel to extract money from him to settle the issue. Transcript of the conversation with the counsel has been placed on record. He further urged that the petitioner had filed a complaint against the prosecutrix and her counsel but no action was

taken by the police. The petitioner is ready and willing to join the investigation.

3. On perusal of the record, it reveals that the petitioner had filed anticipatory bail applications earlier also. In the petition, the petitioner disclosed about dismissal of the earlier anticipatory bail application No.2456/2017 by this Court on 30.11.2017 (Annexure '9'). It is pertinent to note that thereafter, again the petitioner had filed another bail application No.517/2018 to seek anticipatory bail before this Court and it came to be dismissed on 07.03.2018. Apparently, the petitioner has suppressed / concealed this material fact regarding dismissal of his second bail application on 07.03.2018. There is no change of circumstances to consider the third anticipatory bail application moved by the petitioner somewhat on similar grounds. The petitioner has not joined the investigation and non-bailable warrants have been issued against him.

4. On perusal of the contents of the FIR, it reveals that there are serious allegations whereby the petitioner on the pretext of providing job to the prosecutrix aged around 23 years allegedly committed rape upon her at his office on the day she was called for an interview. Record reveals that there were conversation between the petitioner, the prosecutrix and the so-called prosecutrix's counsel on several occasions whereby attempt was made to settle the dispute. It has, however, come on record that the victim's condition had deteriorated after the occurrence and she had to get medical treatment. It is so admitted by the petitioner himself in the conversation.

5. The prosecutrix in her 164 Cr.P.C. statement recorded on 28.09.2017 implicated the petitioner and informed that various whatsapp messages were exchanged even prior to her visit to the petitioner's office on 12.09.2017 for interview. In the said whatsapp messages, the petitioner had shown his inclination to have intimate relationship with the prosecutrix while providing her job as Private Secretary; it was not accepted by the prosecutrix. Apparently, the petitioner had ulterior motive even prior to the date of interview and seemingly intended to have physical relations on the pretext to provide her job.

6. Considering the gravity of the offence and serious allegations against the petitioner, it is not a case for grant of anticipatory bail; it is dismissed.

7. Pending application also stands disposed of.

8. Observations in the order shall have no impact on merits of the case.

(S.P.GARG)
JUDGE

APRIL 16, 2018 / tr