

\$~7

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

+ **BAIL APPLN. 1233/2018**

MANISH GUPTA

..... Petitioner

Through: Mr. Manoj Kr. Ohri, Sr. Advocate
with Mr. Rinku Kr. Garg, Mr. Bharat
Sharma, Mr. Nawab Singh & Mr.
Abhimanyu Singh, Advs.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. Ashish Dutta, APP for the State
Mr. V.K. Gupta & Mr. Manoj Ch.,
Advs. for complainant.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

%

18.07.2018

Allegations have been made against the petitioner in FIR No. 148/2018 of police station Ambedkar Nagar, registered on 25.03.2018 attributing certain acts of commission and omission to him statedly constituting offences punishable under Sections 354, 354A, 354D, 506, 509 IPC. Noticeably, in the FIR, allegations of rape were not levelled, the facts concerning such offence having been mentioned in the course of statement under Section 164 Cr.P.C. recorded on 04.04.2018. The prosecutrix is a married woman who was living in the neighbourhood of the petitioner. She claims to have shifted residence elsewhere on account of harassment and stalking indulged in by the petitioner, against the backdrop of certain events

wherein the petitioner had assaulted on her, with intent to outrage her modesty. The counsel for the prosecutrix referred to complaints lodged on 14.02.2018 and 15.02.2018 with SHO police station Moti Nagar and SHO police station Ambedkar Nagar, each of the said complaints indicating the harassment that she was suffering at the hands of the petitioner who was pursuing her unduly. The allegations of rape pertain to 08.11.2017. The petitioner, on the other hand, has shared with the investigating agency the messages exchanged between him and the prosecutrix on social media (Whatsapp), which are being verified. The contents of the said Whatsapp messages, however, would reveal that both parties were, *prima facie*, in relationship with each other out of their freewill and volition. In fact, on 08.11.2017, there is a message purportedly sent by the prosecutrix at 1.14 p.m. indicating her grievance that the petitioner was taking his wife for outings while she was being left alone made to sit at home.

Against the above backdrop, case for release of the petitioner on anticipatory bail is made out.

Thus, it is directed that in the event of the petitioner being arrested, he shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs. 20,000/- with one surety in the like amount subject to the following further conditions:-

- (i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;

- (iii) Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;
- (iv) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;
- (v). He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court; and
- (vi) This order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

The petition is disposed of in above terms.

Dasti.

R.K.GAUBA, J

JULY 18, 2018

nk