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

+ **BAIL APPLN. 1374/2018**

PANKAJ KUMAR

..... Petitioner

Through: Mr. Prem Prakash, AOR and
Mr. Shikhar Bhardwaj, Advocate

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Ravi Nayak, APP for State with
WSI Pinki and SI Jitender Singh, PS
– Mukherjee Nagar

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **04.06.2018**

Crl.M.A. 11335/2018 (Exemption)

Exemption allowed subject to just exceptions.

Application stands disposed of accordingly.

Bail Appln. 1374/2018 & Crl.M.A. 11336/2018

The present application has been filed for the grant of interim anticipatory bail in the FIR bearing No. 264/2018 under Sections 328/354/376/506 IPC, PS Mukherjee Nagar dated 25.05.2018. After the registration of FIR, the applicant moved for the grant of anticipatory bail before the court below, which was dismissed. Aggrieved by the same, the present application has been made.

Counsel for the applicant submits that the FIR is based upon false story and the prosecutrix happened to be in touch with the applicant on mobile phone and he has also filed mobile conversation running into 30

pages and arguments are based upon the mobile conversation.

On the other hand, learned APP has submitted that the case of the prosecution is for the commission of rape, making threats, intoxication and also under Section 354 IPC, which has been duly supported by the prosecutrix in her statement under Section 164 Cr.P.C. He further submits that the court below has dismissed the bail application while passing order dated 29.05.2018 and he also stuck to the ground that the investigating agency is seeking the custodial interrogation to recover the mobile phone and the laptop which was used by the applicant to communicate with the prosecutrix.

Heard the counsels for the parties.

As per the counsel for the applicant, the communication made on the mobile phone is the most essential factor to determine the accusation of the accused in the present matter. On the other hand, the investigating agency seeks the custodial interrogation to recover the mobile phone and laptop. Admittedly, the mobile phone is in the custody of the accused. Thus, this Court is of the considered opinion that it would be appropriate and justified not to intervene in the functioning of the investigating agency to make the essential recoveries such as mobile phone, laptop, etc. and having the custodial interrogation for the same.

Consequently, this Court does not find any merit in the present application. Accordingly, the same is dismissed.

Dasti.

P.S.TEJI, J

JUNE 04, 2018/PB/rd