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

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Judgment delivered on: 20.08.2018

+ BAIL APPLN. 1401/2018

RAJ BAHADUR @ BAHADUR SINGH Petitioner

versus

THE STATE (NCT OF DELHI) Respondent

Advocates who appeared in this case:

For the Petitioner : Mr.Virender Kumar, Adv.

For the Respondent: Ms.Neelam Sharma, APP.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

20.08.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No.239/2018 under Sections 376/506 of the IPC at Police Station Karol Bagh.

2. The allegations of the complainant are that the petitioner had allured her to make her a LIC agent and thereafter on 04.04.2018 he called her for a meeting. When she got down at the metro station at Rajendra Place, the petitioner is alleged to have taken her in a car and roamed around for about an hour and a half in the vehicle. Thereafter he is alleged to have taken her to a hotel i.e. OYO Hotel, Gold Place,

Karol Bagh. She was taken to one room where the petitioner is alleged to have committed the offence of rape with her. It is alleged that when the co accused wanted to make physical relationship, she shouted, on which they got scared. Thereafter they threatened her by showing her a video of the alleged offence and threatened to make the same viral.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated. He submits that in the statement recorded under Section 164 Cr.P.C there is substantial improvement. It is alleged in the said statement that the complainant wanted a loan of Rs.2 lakhs and thereafter the petitioner is alleged to have allured her to make her a LIC agent. He further submits that there is a new allegation that the petitioner has allegedly given her a cold drink mixed with some intoxicant.

4. Learned counsel for the petitioner submits that there is no material to connect the petitioner with the alleged offence. He submits that complainant had refused medical examination and there is substantial unexplained delay in registration of the FIR as the alleged offence is of 04.04.2018 and the complaint is lodged on 10.05.2018. Further he submits that there is no incriminating material and even the CCTV footage alleged to have been seized by the prosecution from the hotel does not establish the presence of either the complainant or the accused in the hotel on the alleged date and time of the incident.

5. He further submits that the Investigating agency has not

established any call connection between the petitioner as well as the complainant or even the call detail records has not been obtained to establish the presence in the hotel.

6. Petitioner was granted interim protection by order dated 15.06.2018, subject to joining investigation. Learned APP submits that petitioner did join investigation.

7. Without commenting on the merits of the case, on perusal of the records, I am satisfied that the petitioner has been able to make out a case for grant of anticipatory bail. In the event of arrest, petitioner shall be released on bail by the IO/arresting officer/SHO concerned, on petitioner furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the SHO/IO/Arresting Officer. Petitioner shall not do anything which may prejudice either the investigation, trial or the prosecution witnesses. Petitioner shall not make any endeavour to contact the prosecutrix or her family. Petitioner shall not leave the country without the permission of the Trial Court.

8. Petition is disposed of in the above terms.

9. Order *Dasti* under the signature of the Court Master.

SANJEEV SACHDEVA, J

AUGUST 20, 2018/rk