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

+ **BAIL APPLN. 1388/2018 and CRL. M.A. 11411/2018**

VIPUL NAUTIYAL

..... Petitioner

Through: Mr.Sumeet Verma with Ms.Preeti
Jakhar, Advs.

versus

STATE (N.C.T. OF DELHI)

..... Respondent

Through: Mr.Ashish Dutta, APP for State.
ASI Sunita, PS New Ashok Nagar.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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13.06.2018

1. The present petition is filed under Section 438 read with Section 482 of Code of Criminal Procedure in case FIR No.109/2018 registered under Section 376 IPC at PS New Ashok Nagar.
2. Anticipatory bail is sought on the ground that the applicant has been falsely implicated and the FIR was got registered as a counter blast to a complaint lodged by him at 8.50 am and FIR No. 110/2018 was registered under Section 381 IPC against the complainant (the prosecutrix in the present case).
3. It is submitted that the prosecutrix is about 40 years and that she stays in a rented accommodation in New Ashok Nagar and does cleaning job in different houses and had worked in the house of the applicant.

4. It is submitted that in fact the complainant had committed a theft of Rs. 26,000/- on 15.03.2018 for which the FIR was lodged and was interrogated and later lodged a PCR call against the applicant and did not make any allegations of rape. It is submitted that when she was taken for medical examination after she made allegations of rape, she refused to get herself examined.
5. Status report was called for wherein it is submitted that on the complaint of the petitioner FIR No. 110/2018 under Section 381 IPC was registered for theft of Rs 26,000/- and an amount of Rs. 12,900/- was recovered from the house of the complainant.
6. Record shows that the petitioner was granted anticipatory bail on 27.03.2018 which was extended from time to time till 07.06.2018 when it was dismissed.
7. In the present case the complaint filed against the accused by the prosecutrix needs to be thoroughly examined including the aspect whether the complainant has filed a false or frivolous complaint, the fact that recovery of Rs. 12,900/- was affected from her house. The fact that she refused to undergo medical examination.
8. Keeping in view the facts and circumstances of the present case, I deem it appropriate to grant anticipatory bail to the petitioner subject to following conditions:
 - (i) That he shall furnish a personal bond of Rs.25,000/- with two sureties of the like amount to the satisfaction of the arresting officer/SHO.
 - (ii) That he shall not leave the National Capital Region without prior permission from the arresting officer/SHO.
 - (iii) That he will cooperate with the investigation agency and appear

before the IO as and when called in relation to the present FIR.

- (iv) That he shall not directly or indirectly make any inducement, threat or promise to any witness of the complainant so as to dissuade them from disclosing such facts.

Application stands disposed of.

Dasti under the signature of Court Master.

SANGITA DHINGRA SEHGAL
(VACATION JUDGE)

JUNE 13, 2018
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