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

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Judgment delivered on: 28.08.2018

+ BAIL APPLN. 1472/2018

RAMAN JHA

..... Petitioner

versus

STATE GOVT. OF NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner :

Mr.Manish Kaushik, Adv.

For the Respondent :

Mr.Panna Lal Sharma, Addl. PP for the State with SI
Sonu Siwach, P.S.Sarai Rohilla.
Ms.Manika Tripathy Pandey, Adv. for
complainant.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

28.08.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No. 189/2018 under Sections 376/376D/506/34 IPC, Police Station Sarai Rohilla.
2. The allegations made by the complainant are that her husband who was staying with her used to bring his friends and in his presence would permit them to make physical relations with her against her wish.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that as per his instructions the husband of the complainant is not living with her for the last 3 to 4 years so the

allegation that he while staying with her used to bring in his friends is falsified. He further submits that the allegation is that physical relation was made by the petitioner in the presence of her husband during the period October, 2017 to March, 2018 which is not substantiated in view of the fact that husband is not residing with her for the last 3 to 4 years. He further submits that the allegations are vague as no specific allegations or details have been given by the complainant in her complaint. He further submits that there is an unexplained delay in registering the FIR. It is contended that the co- accused had filed a complaint under Section 200 Cr.P.C alleging that the complainant was threatening to implicate him in a false case and was demanding money.

4. In the status report dated 07.07.2018 it is mentioned that investigation from the neighbours has shown that they have never seen the husband of the complainant in the last 3 to 4 years. In the status report filed on 02.08.2018 it is contended that investigation has shown that from the mobile number of the complainant, which is mentioned in the FIR by her, several calls have been made to the co- accused lasting several hours every day. Said mobile number is registered in the name of the co- accused.

5. Learned counsel appearing for the complainant has rendered some explanation with regard to the averments contained in the status report. However, I am of the view that it is for the Trial Court to consider the same after evidence is led and merely because something is stated in the status report would not be taken as evidence unless the same is proved in accordance with law.

6. Petitioner was granted interim protection by order dated 02.07.2018, subject to joining investigation. The Investigating officer has confirmed that petitioner did join investigation as and when required by the IO.

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.50,000/- 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 28, 2018

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