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

+ BAIL APPLN. 1580/2018 & CrI. M.A. no. 12397/2018

ARUN TANGAR

..... Petitioner

Through

Mr. Ramesh Gupta, Sr. Advocate
with Bharat Sharma and Mr. Ajay
Kumar Bansal, Advs.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through

Ms. Manjeet Arya, APP

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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11.07.2018

Learned Senior Counsel for the petitioner submits that prosecutrix was having friendly relations with petitioner and his wife. They were on visiting terms. Petitioner had given a loan of ₹2,00,000/- to the prosecutrix. When petitioner demanded money back, prosecutrix has falsely implicated the petitioner. It is contended that prosecutrix has alleged that she was raped by the petitioner forcibly in the month of March, 2018 and thereafter, in April, 2018. However, prosecutrix had remained in touch with the petitioner on Whatsapp even after March, 2018. In one of the Whatsapp messages, prosecutrix has admitted that she was to pay money to petitioner. She also

invited the petitioner to attend a marriage on 20th April, 2018. Prosecutrix did not disclose anything to her husband all along. According to prosecutrix, first incident took place in the month of March, 2018; whereas FIR has been filed on 28th June, 2018. Prosecutrix and her husband are accused in FIR No. 430/2016 under Sections 377/376 IPC and Section 6 of the POCSO Act registered at Police Station New Ashok Nagar. Learned Senior Counsel submits that in the FIR itself, prosecutrix has mentioned about the CCTV was there in the home. CCTV footage can be verified during the investigation. He submits that petitioner may be granted anticipatory bail.

Learned APP submits that prosecutrix did not disclose about the rape to her husband and did not lodge FIR since petitioner had threatened her with dire consequences. Prosecutrix has stated that petitioner used to keep a gun with him and she was afraid of him.

Keeping in mind the facts and circumstances of this case as detailed above, it is ordered that in case of arrest, petitioner be released on bail subject to his furnishing a personal bond in the sum of ₹20,000/- (Rupees Twenty Thousand Only) with one surety of the like amount to the satisfaction of the Investigating Officer/Arresting Officer/SHO concerned. Petitioner shall, however, cooperate in the investigation and appear before

the Investigating Officer as and when he is called upon to do so.

Bail application is disposed of in the above terms. Miscellaneous application is disposed of as infructuous. Dasti.

A.K. PATHAK, J.

JULY 11, 2018
r.bararia