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

+ **BAIL APPLN. 1622/2018**

GHANSHYAM SHARMA

..... Petitioner

Represented by: Mr. R.K. Tarun Advocate.

versus

THE STATE

..... Respondent

Represented by: Ms. Meenakshi Dahiya, APP.
Mr. Amardeep, Advocate for
Complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

27.07.2018

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1. By this petition, the petitioner seeks anticipatory bail in case FIR No. 285/2018 under Sections 376/354/34 IPC registered at PS Begumpur.
2. Complainant in the FIR in question alleged that she was a married woman, however, her husband was into depression due to which he could not get the job so she was also into tension. She had two female children who had to be taken care of. Petitioner treated her like his daughter and was always helpful to her. In the year 2016 complainant had a confrontation with a neighbour in which the petitioner came to her house as a mediator and thus she started respecting him. The petitioner visited her house in the presence as well as in the absence of her husband. The complainant expressed her desire to get a job. In order to get her a job, petitioner took her to Kanjhawala and there he molested her in lieu of getting the job. She did

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not tell this fact to her husband. Thereafter taking advantage of her financial condition, petitioner took her to Sector 22, Rohini to a property dealer's office where the said property dealer forcefully sexually assaulted the complainant by committing rape. It is alleged that the petitioner also attempted to rape her in that office.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated to extort money. FIR was lodged belatedly. Even after the alleged incident in October, 2017, the petitioner and the prosecutrix were in communication belying her allegations.

4. The petitioner has handed over a tape recorded conversation between the petitioner and the complainant wherein she is trying to purchase the property for a sum of ₹45 lakhs. Learned counsel for the petitioner thus contends that the claim of the complainant on one hand is that she was in dire need of money and on other hand she had surplus money, thus falsifying her claims.

5. For the incident of October, 2017 the complainant gave the complaint only on 23rd May, 2018. On a query put by this court, learned APP for the State has shown that from the call detail records of both the petitioner and the complainant both of them were on talking terms with each other even after the alleged incident dated October, 2017 and number of calls were exchanged inter se.

6. Be that as it may, as per the status report the only reason why custodial interrogation of the petitioner is required is to arrest the co-accused where the complainant was taken to Sector 22, Rohini who committed rape on her. It is not the case of the complainant that she was blind folded and

was taken to the office of the said property dealer/victim nor that she cannot identify him. As per the status report though the complainant stated that she had an original recording of the petitioner with her, however, till date the said recording has not been provided to the Investigating Officer.

7. Considering the nature of allegations against the petitioner and overall facts of the case, this Court deems it fit to grant anticipatory bail to the petitioner. It is, therefore, directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety bond of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that the petitioner will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the Court concerned and in case of change of residential address the same will be intimated to the Court concerned by way of an affidavit.

8. Petition is disposed of.

9. Order dasti.

MUKTA GUPTA, J.

JULY 27, 2018

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