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

+ **BAIL APPLN. 1653/2018**

RAJESH VINAYAK

..... Petitioner

Represented by: **Mr. S.S. Tomar, Advocate.**

versus

THE STATE

..... Respondent

Represented by: **Mr. Ashok Kumar Garg, APP
with SI Wormichon, PS D.B.G.
Road.
Mr. Vijay Sharma, Advocate
for complainant.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
16.08.2018

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1. By this petition, the petitioner seeks anticipatory bail in case FIR No. 166/2018 under Sections 354A/384/506/509 IPC registered at PS Desh Bandhu Gupta Road.

2. Learned counsel for the petitioner contends that the above noted FIR is a counter blast to the action undertaken by the complainant against the unauthorised construction carried out by the complainant. He has placed on record documents to show that the complainant's property bearing No. 825, Joshi Road, Karol Bagh, New Delhi-5 was sealed in May, 2011, after the unauthorised construction was brought to the notice by the petitioner. He further states that despite the property being sealed, the complainant further made an unauthorised construction and let out the property constraining the

BAIL APPLN. 1653/2018

page 1 of 3

petitioner to make another complaint and filing a writ petition before this Court.

3. The allegations of the complainant in the above noted FIR was that on 28th May, 2018 at about 2:00 PM she was standing outside her shop i.e. Aanchal Boutique, 836, Joshi Road, Karol Bagh along with her sister-in-law. It is alleged that Baboo Vinayak i.e. petitioner here in started taking photographs. She and her sister-in-law moved their faces to opposite directions and later on asked him the reason for taking photographs, however, the petitioner continued taking the photographs and disturbed them. The petitioner stood in front of her shop in half size cloths and passed dirty comments. She further states that her photographs and addresses were placed on unknown whatsapp group and she received telephonic calls. The complainant further alleges that since she was repairing her house, the petitioner took the photographs and started demanding money or else he would get her house demolished.

4. Considering that the allegations are of taking the photographs while the complainant and her sister-in-law were standing outside their boutique which could be also for the purpose of taking the photographs of unauthorised construction and the past history that on the complaints of the petitioner, the premises of the complainant was sealed, this Court deems it fit to grant anticipatory bail to the petitioner.

5. 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.

6. Petition is disposed of.
7. Order dasti.

MUKTA GUPTA, J.

AUGUST 16, 2018
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