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

+ **BAIL APPLN. 1684/2018 & CrI.M.A. 28158/2018**

DEEPAK KUMAR

..... Petitioner

Through: Mr. Anil Sharma and Mr. Jaskaran
Singh, Advs.

versus

THE STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Ravi Nayak, APP for State with
W/SI Santosh, PS – Kalyan Puri

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

08.10.2018

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Status report submitted.

The submissions of the petitioner seeking anticipatory bail in case FIR No. 314/2018 of Police Station – Kalyan Puri involving offences under Sections 376/328 IPC were recorded on 20.07.2018 as under:

“ The petitioner alleges false implication by the complainant (prosecutrix), she having lodged the FIR No. 314/2018, under Sections 376/328 IPC with Police Station Kalyan Puri on 25.06.2018, it having been registered on the basis of her statement under Section 164 Cr.P.C., it having been recorded on 25.06.2018, 9 to 10 P.M. of 21.04.2018 being alleged as the time and date of the incident. The petitioner claims he was not in Delhi but away to Manali from where he was returning at the alleged time of occurrence. He is trying to substantiate, inter alia, his plea of alibi by call detail records (CDRs) of Vodafone no. 9654740997 showing, prima facie, his presence somewhere in Haryana at 21:54:07 on 21.04.2018.

The learned Additional Public Prosecutor submits that these facts will have to be verified and he needs time.

Be listed on 8th October, 2018.

In the meanwhile, the petitioner shall not be arrested though he shall continue joining investigation as and when called upon by the Investigating Officer.

Dasti.”

As per status report dated 06.10.2018 of SHO, PS – Kalyan Puri submitted today, the claim the presence of the petitioner in Shimla and Manali from 19.04.2018 to the morning of 21.04.2018 appears to have been confirmed by evidence which has been gathered. Further, the evidence collected also seems to show his presence in the area of Haryana on way from Himachal Pradesh and Punjab till about 21:54:07 of 21.04.2018.

In the above view, the petitioner deserves protection. The prayer in the application is granted.

Thus, it is directed that in the event of the petitioner being arrested, he shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs.20,000/- with one surety in the like amount subject to the following further conditions:-

- (i). The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii). The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;

- (iii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;
- (iv). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

This order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

The petition and the application filed therewith stand disposed of in above terms.

Dasti.

R.K.GAUBA, J

OCTOBER 08, 2018

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