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

+ **BAIL APPLN. 1886/2018 and CrI. M.A. 29723/2018**

MR. LALIT VOHRA

..... Petitioner

Through: Mr. Abinash Kumar Mishra, Advocate

versus

STATE OF NCT DELHI AT NEW DELHI

..... Respondent

Through: Mr. Ashish Dutta, APP for the State with
SI Poomam Tomer

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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10.08.2018

The petitioner seeks release on anticipatory bail in case FIR no.203/2018 of police station Geeta Colony involving offences punishable under Section 342, 376, 506, 34 IPC. He seeks parity with his wife Jyoti Vohra, a co-accused who was admitted to anticipatory bail by order dated 18.07.2018 on her bail application no.1659/2018.

The status report has been filed. The learned Additional Public Prosecutor informs that the petitioner has been evading the process and consequently on the request of the investigating officer, the Metropolitan Magistrate had issued non-bailable warrants inspite of which the presence of the petitioner could not be secured and thus, the proceedings under Section 82 Cr. PC have also been initiated against

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him, his custodial interrogation being required to recover the obscene photographs which were allegedly touted to intimidate the prosecutrix, she having been subjected to rape on earlier occasions. The Additional Public Prosecutor submitted that the prosecutrix has recorded the conversation that occurred between her and the petitioner on 29.05.2018, the audio recording whereof has been passed on to the investigating agency, its transcript having been shown at the hearing to the court, and also to the counsel for the petitioner. The said audio recording is to be subjected to forensic scrutiny after the petitioner appears and offers his voice sample.

After some hearing, the counsel for the petitioner submitted that he may be permitted to withdraw the present application for anticipatory bail. He was asked if the petitioner is ready to appear before the investigating officer. He then sought passover so that he could seek instructions. The matter has been taken up again after some time, when the counsel submits that his instructions are that the petitioner never had any such conversation on phone with the prosecutrix and further that the petitioner has refused to give any instructions with regard to his readiness or willingness to join the investigation on the ground he has “other legal remedies”.

It is clear from the above that the petitioner is evading and dodging the investigating process. Given the contents of the transcript of the conversation that is stated to have occurred on 29.05.2018, substantive material has been gathered at least with regard to the criminal intimidation being indulged in by the petitioner.

At this stage, the allegations of the prosecutrix with regard to the forced sexual intercourse and taking of indecent photographs / images cannot be doubted. The matter needs probe and there is no doubt that custodial interrogation of the petitioner would be necessary. There is no parity of the case against the petitioner with one against his wife Jyoti Vohra.

The application for anticipatory bail and the application filed therewith are dismissed.

R.K.GAUBA, J

AUGUST 10, 2018

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