

\$~8

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

+ **BAIL APPLN. 1359/2017**

ASIF

..... Petitioner

Through: Mr. Khalil A. Ansari & Mr. Arif
Shakeel, Advs.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Mukesh Kumar, APP for the State
with SI Rishi Sharma, PS Jamia
Nagar.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

%

20.07.2018

The allegations against the petitioner in case FIR No. 322/2017 of police station Jamia Nagar, *prima facie*, involve serious offences punishable under Sections 354D/323 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012. The prosecutrix at whose instance the FIR has been registered was 17 years, 7 months old at the relevant point of time. It does appear from certain photographs filed by the petitioner, that the prosecutrix may have been in a friendly relationship with him in the past but then she having indicated her disinclination to the petitioner to continue with any such relationship he apparently had no right to force her to be in his company, least of all commit assault with the intent to outrage her modesty or continue stalking her or extend threats to throw acid on her face.

The conduct of the petitioner during the pendency of this petition in which interim protection was granted to him has been questionable in that the complainant has submitted an additional affidavit dated 23.04.2018 regarding an incident statedly having occurred on 18.04.2018 where the petitioner had indulged in continuation of stalking her and when confronted by members of her family, having attempted to pelt stones to coerce the other side into submission. Photographs of the said incident have been submitted with the said affidavit. The learned Additional Public Prosecutor submitted that the matter was inquired into but not found to be substantiated. It is strange that the police has chosen not to investigate the matter in accordance with law. The facts with regard to such incident apparently showing offences which are cognizable, they could not have been investigated without FIR being registered. It is a matter of concern that the police has tried to downplay the allegations which are levelled by the prosecutrix about the continued harassment at the hands of the petitioner. The Deputy Commissioner of Police of the concerned district shall look into the matter and ensure that the procedure prescribed in law is duly followed.

Having regard to the above-noted conduct of the petitioner, this is hardly a case where the court should exercise its discretion in granting anticipatory bail.

The petition is dismissed. The interim protection stands vacated.

The petitioner is directed to present himself before the investigating officer forthwith.

R.K.GAUBA, J

JULY 20, 2018/nk
BAIL APPLN. 1359/2017

page 2 of 2