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

+ **BAIL APPLN. 2358/2018 & CrI. M.A. 33769/2018**

SUSHEEL KUMAR SHARMA

..... Petitioner

Through: Mr. Sameer Chandra, Mr.C.L.
Dhawan and Mr. Tushar Chabra,
Advs.

versus

STATE

..... Respondent

Through: Ms. Meenakshi Dahiya, APP for State

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

08.10.2018

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The petitioner apprehending arrest in case FIR No. 29/2018 of Police Station Hauz Khas has come to this Court seeking anticipatory bail *inter alia* submitting that the allegations of the first informant are false and motivated, there being a history of dispute with respect to the property in which he has been claiming an interest.

Status report filed.

Having regard to the allegations in the FIR and the statement of the complainant in the FIR and subsequently, during investigation, no forcible sexual intercourse took place. Yet, the police has registered the FIR involving offence punishable under Section 376 IPC. The allegations, at their best, make out an attempt to rape. The version of the complainant in

the FIR is to the effect that she had entered into the premises alone. The petitioner relies *inter alia* on CCTV footage, certain screen shots whereof are placed on record indicating that complainant had entered the premises accompanied her maternal uncle and atleast one more person. The petitioner contends that there was only a quarrel that had happened, he also contending that the complainant had run away and was pursued by the wife of the petitioner, this also being captured on the CCTV footage, screen shots whereof are also placed before the Court. As per the petitioner, the complainant had wrongfully entered into his property and had indulged in physical assault and this had led to cross FIR No. 30/2018 being lodged for offences under Section 448/323/34 IPC. The investigation into the FIR lodged by the petitioner is stated to be still pending.

In the above facts and circumstances, the petitioner is entitled to 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.10,000/- 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.

Copy of this order be given *dasti* under the signature of the Court Master.

R.K.GAUBA, J

OCTOBER 08, 2018

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