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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1856/2017 & CRL.M.A. 28337/2018**

VIKAS GAHLOT

..... Petitioner

Through: Mr. K.K. Manan, Sr.Advocate with
Mr. Ankush Narang, Ms. Shivant
Kant, Mr. Mukul Aggarwal, Ms.
Akanksha Mehrotra & Ms. Rashi
Rampal, Advocates.

versus

STATE THE NCT OF DELHI

..... Respondent

Through: Mr. Arun K. Sharma, APP for State
with Insp. Kusumlata, P.S. Dwarka.
Complainant in person.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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23.07.2018

The first information report (FIR) no. 224/2017 was registered on 18.07.2017 on the complaint in writing of Anita Gaur. The police took up investigation into offences punishable under Sections 354D/506 IPC, in that context there being a long history narrated in the FIR about the conduct of the petitioner, it eventually resulting in he stalking the complainant and extending threats to her. During the course of investigation, while the petitioner was statedly under interim protection granted by the court of sessions, the police added the offence under Section 354 IPC to the investigation.

The petitioner having failed to secure relief of anticipatory bail from the court of sessions approached this Court in September, 2017

with similar prayer by the petition at hand. The interim protection against coercive steps was granted by order dated 15.09.2017 with condition added that he would not try to contact the complainant nor visit her place of residence nor follow her around. The interim protection had continued to be operative till 18.07.2018 when on account of evasive conduct perceived by this Court on account of non-appearance of the counsel, the said order was vacated. In this context, the application (CRL.M.A. No.28337/2018) has been moved on which the matter has been taken up today.

The learned senior counsel submits that he is ready to argue on the main petition. The complainant is also present in person. The date 10.10.2018, as earlier fixed, is cancelled. The bail application is taken up for hearing.

As pointed out above, in the wake of interim protection granted by order dated 15.09.2017, the applications were made by the complainant that the petitioner while entering into the court premises on 13.12.2017 had extended threats to her. The court had called for a probe and, in that context, report of SHO P.S. Dwarka dated 17.04.2018 has come on record. Though the report does indicate the petitioner had entered the court premises through pass section, school block, around the time when the complainant entered, he behind her by a few minutes, the CCTV footage does not reveal any communication between the two persons. The complainant who is present in person insists that threats were extended at that stage.

In the facts and circumstances, it is a question of word of one pitted against that of the other. In the given facts and circumstances set out in the FIR which is subject matter of ongoing investigation, there is no reason why the conduct of the petitioner cannot be controlled while he is granted some protection. Thus, the application for anticipatory bail is allowed. 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 their 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) As undertaken on his behalf, the petitioner shall not enter Sector 4, Dwarka, New Delhi till further orders;
- (v) 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;
- (vi) He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to

ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court; and

(vii) 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.

Dasti.

R.K.GAUBA, J

JULY 23, 2018

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