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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2756/2018 & CrI.M.A. 47900/2018**

BHARAT BHUSHAN OBERAI Petitioner
Through: Mr. Ashok Kapoor & Mr. A.K.
Mehta, Advs.

versus

THE STATE OF NCT OF DELHI Respondent
Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Satender Kumar, PS
KNK Marg.
Mr. Vishesh Wadhwa, Adv. for
complainant.

+ **BAIL APPLN. 2759/2018 & CrI.M.A. 47926/2018**

SUSHIL KAPOOR Petitioner
Through: Mr. Ashok Kapoor & Mr. A.K.
Mehta, Advs.

versus

THE STATE OF NCT OF DELHI Respondent
Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Satender Kumar, PS
KNK Marg.
Mr. Vishesh Wadhwa, Adv. for
complainant.

+ **BAIL APPLN. 2762/2018 & CrI.M.A. 47948/2018**

SANJEEV KAPOOR Petitioner
Through: Mr. Ashok Kapoor & Mr. A.K.
Mehta, Advs.

versus

BAIL APPLN. 2756/2018 & conn.

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Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

THE STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Satender Kumar, PS
KNK Marg.
Mr. Vishesh Wadhwa, Adv. for
complainant.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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04.12.2018

The allegations have been made against three petitioners herein in FIR no.407/2018 of police station KN Katju Marg involving offences punishable under Sections 323/354/506/34 of Indian Penal Code, 1860 (IPC), the said FIR having been registered on the statement of Varsha Oberoi, the wife of Aman Kapoor, the petitioners Sanjeev Kapoor and Sushil Kapoor being his maternal uncle (*Mama*) and petitioner Bharat Bhushan Oberoi being his father (father-in-law to the complainant). It is alleged that all the three accused persons along with other relatives of the maternal family have been torturing the complainant for last some period, these petitioners having been committed assault on the person of the first informant with the intent to outrage her modesty, they having torn her clothes and disrobing her, having extended threats, all in the effort of forcing her out from the premises.

The petitioners claim is that the allegations are false and unfounded, they having recorded a telephonic conversation between Neena Oberoi (mother-in-law of the complainant) and the first informant on the same evening where she had extended threats to get the maternal family members falsely implicated. Copy of the transcript of the telephonic conversation

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referred to has been placed on record. But, even if it was assumed that the said transcript is a true record of the conversation that had taken place there is nothing to indicate that there was a threat to create a false case against the petitioners. The first informant does appear from the said transcript to be quite perturbed and disturbed, she indicating lodging of cases but not necessarily on false averments. The assertion that the petitioners were not present at the scene at the alleged time of occurrence relates to the plea of *alibi* for which they have not furnished any proof with these petitions.

Having regard to the nature of the offences involved, and the evidence so far gathered, as indicated by the status report, it cannot be said that the case is wholly unfounded. No case for anticipatory bail is made out.

The petitions with accompanying applications are dismissed.


R.K. GAUBA, J

DECEMBER 04, 2018

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