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

+ **BAIL APPLN. 2143/2017**

ADITYA BHANDARI

..... Petitioner

Represented by: Mr. R.K. Wadhwa, Mr. V.
Wadhwa, Mr. Yatharth Rohilla,
Mr. Saurabh Dhingra, Advs.

versus

STATE

..... Respondent

Represented by: Mr. Hirein Sharma, APP with
WSI Suman PS Karol Bagh.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

19.01.2018

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By this petition the petitioner seeks anticipatory bail in case FIR No. 277/2017 under Sections 376/506 IPC registered at PS Karol Bagh.

An information was received telephonically at PS Karol Bagh from the hospital noting alleged history of sexual assault by a man named Aditya on 5th August, 2017. The complainant alleged that she was raped on 5th August, 2017 at around 4.00 PM and the petitioner threatened her that he would kill her if she tells the incident to anyone. A written complaint was also received in this regard on 14th September, 2017 resulting in the registration of the above-noted FIR.

Initially when the matter came up before this Court the State did not reply to the averments of the petitioner and stated that the above-noted FIR

BAIL APPLN. 2143/2017

page 1 of 3

was a counter-blast and an after-thought, thus this Court directed the State to file a detailed status report responding to the averments in the petition.

A detailed status report has been now filed by the State. As per the detailed status report on 5th August, 2017 a PCR call vide DD No.34A was received at PS Karol Bagh mentioning that rape has been committed with the sister of caller at H.No. 1409, Naiwala, near Jain Mandir, Karol Bagh, Delhi. The call was entrusted to SI Naresh Kumar, who along with lady Constable reached the spot. Social worker from the NGO was also called. The victim was taken to Lady Hardinge Medical College, however she refused her internal medical examination. The victim on that day stated that she came from Jharkhand one month ago through some agent and has been working as a maid in the house in Karol Bagh. In the evening she had a quarrel with the owner regarding cleaning work. So she called her elder sister Asha who lived in Raghuvir Nagar and her sister made a call at 100 number. However, there is no history of physical sexual assault. Even on counselling the victim reiterated these facts.

On 10th August, 2017 the petitioner gave a complaint stating that one Ms. Sushila Urrang and Narender Sharma were threatening him to implicate him in a false case of rape/assault and molestation if he did not pay ₹10 lakhs to them. Enquiries on the said complaints have since been conducted and it has been found that phone calls were made from the No. 999043078 used by Narender Sharma to the petitioner herein, though the explanation rendered by Narender Sharma is that they were demanding the balance salary of the complainant.

From the detailed status report and the sequence of events now being narrated, prima facie it appears that the written complaint of rape made on 14th September, 2017 resulting in registration of above-noted FIR is an after-thought.

In the facts and circumstances of this case this Court deems it fit to grant anticipatory bail to the petitioner. It is therefore directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the Arresting Officer/ SHO concerned, further subject to the condition that he will join the investigation as and when directed and will not leave the country without the prior permission of the Court concerned and in case of change of address the same will be intimated by way of affidavit to the Trial Court. Needless to note that the observations of this Court in the present order will have no bearing on the merits of the case.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

JANUARY 19, 2018
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