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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2653/2017**

SUBHAM KUMAR MAHARAJ Petitioner
Through: Ms.Reena Kumar, Advocate
versus
STATE OF NCT OF DELHI Respondent
Through: Mr. Panna Lal Sharma, APP for State
with SI Neeru, PS R.K.Puram

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **23.01.2018**

The status report is on the record.

On behalf of the applicant, it has been submitted that he has been falsely implicated that he was not present at the spot of the occurrence at Mohmmadpur, New Delhi at the time of alleged incident at 12 noon and *in fact* he had to write his examination on that date and that he was at Shakarpur at the relevant time and in relation to which the applicant had also made an application before the learned trial court for production of the CDR of the petitioner's mobile and the complainant's mobile along with their locations.

On behalf of the State qua CDR details of the mobile of the petitioner, it has been submitted that on the date of the alleged incident the applicant is indicated to have been at Shakarpur at 12 noon which is at a distance of 20 to 25 km from the spot.

Taking the said information put forth by the Investigating Officer into account, in the event of arrest of the applicant, the applicant is allowed to be released on bail on his furnishing a personal

bond in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of the learned trial court with the direction that he shall not leave the country, shall not make contact with the complainant and her family members, shall not tamper with the evidence and shall join the investigation as and when required.

Pursuant to the direction dated 22.12.2017 the status report has been submitted on behalf of the State mentioning *inter alia* of an *e-mail* of the complainant. Copy of the *e-mail* is also directed to be placed on record. As per the said *e-mail*, the statement of the prosecutrix under Section 164 Cr.P.C to the effect that she wanted to withdraw the case was because of her traumatized mental condition due to the assault and that she is not still out of it and is trying to completely come out of the same by concentrating on her studies and exams and she wanted to completely forget what she went through and her state of mind was not so that she could face police or procedures.

Presently, taking into account the CDR details of the applicant alone, the interim protection as directed herein above has been granted.

Nothing stated herein above shall, however, have an effect on the merits or de-merits of the case.

The application is disposed of.

Copy of the order be given Dasti, as prayed.

ANU MALHOTRA, J

JANUARY 23, 2018/SV