$~23

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

\+ BAIL APPLN. 2720/2015 & Crl. M.B. No. 8374/2015 & Crl. M.A. no. 3698/2016

PRASHANT BHATIA ..... Petitioner

Through Mr. Sudhir Nandrajog, Sr. Advocate with Mr. Rakesh Mittal and Mr. Maklesh Anand, Advs.

versus

STATE ..... Respondent

Through Ms. Rajni Gupta, APP with SI Sumitra Sharma, P.S. Rajouri Garden
Mr. Ojasvi Khanna, Adv. complainant

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

O R D E R

% 22.01.2018

Learned Senior counsel for the petitioner submits that prosecutrix is a major woman of more than 40 years of age. She is a divorcee. Petitioner is also a divorcee. Petitioner and prosecutrix were friends. There were consensual sexual relations between them. Prosecutrix had accompanied the petitioner to Neemrana as well as to Dubai of her own will. Petitioner did not promise the prosecutrix that he will marry her, before establishing physical relations with her. Subsequently, prosecutrix started blackmailing him. She threatened that she will show his nude photographs to his

daughter. She also threatened to implicate him in a false rape case. Recorded telephonic conversations have been relied during the course of hearing. Prosecutrix was in contact with a Police Constable, namely, Rakesh and conversation between them shows that prosecutrix was blackmailing the petitioner. Prosecutrix also called petitioner's brother. This conversation also shows that prosecutrix was blackmailing the petitioner. Petitioner's brother has already filed a complaint under Section 200 Cr.P.C. before the trial court, which is pending. Conversation between the prosecutrix and her friend, who also happened to be petitioner's friend, also shows that prosecutrix intended to blackmail the petitioner.

Learned Senior Counsel further submits that petitioner has already provided all the transcripts as also his mobile phone to Investigating Officer. It is submitted that prosecutrix has not given her mobile phone to Investigating Officer on the pretext that she has lost the same.

Learned APP, who is assisted by the learned counsel for complainant, has opposed the grant of anticipatory bail to petitioner. It is contended that petitioner had promised the prosecutrix that he would marry her. Petitioner sexually exploited the prosecutrix on this pretext. He took her to Neemrana and Dubai where they stayed in hotels. After more than 1½ years, he

refused to marry the prosecutrix.

Learned APP submits that investigations are virtually complete and charge-sheet is likely to be filed within four weeks.

It is noted that vide order dated 19th January, 2016 it was ordered that petitioner shall not be arrested. This protection is still continuing. It is not in dispute that petitioner has cooperated in investigation. Transcripts were sent to FSL and its report has been received.

Keeping in mind the totality of facts and circumstances of this case, it is ordered that in case of arrest, petitioner be released on anticipatory bail, subject to his furnishing personal bond in the sum of ₹25,000/-(Rupees Twenty Five Thousand Only) with one surety of the like amount to the satisfaction of the Investigating Officer/Arresting Officer/SHO concerned.

Bail application is disposed of in the above terms. Miscellaneous applications are disposed of as infructuous.

Dasti.

A.K. PATHAK, J.

JANUARY 22, 2018
r.bararia