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

+ **BAIL APPLN. 467/2019**

**MOHIT AGGARWAL**

..... Petitioner

Through: Mr. Dhruv Pal, Mr. Raja Bahadur  
Singh Jain & Ms. Aprajita Mukherjee,  
Advs.

versus

**STATE OF NCT DELHI**

..... Respondent

Through: Mr. Amit Chadha, APP for State with  
SI Rachna, PS Mukherjee Nagar.  
Mr. Arun Nischal, Adv. for  
Complainant.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**15.03.2019**

**CRL.M.A. 4042/2019** (*exemption*)

Exemption allowed, subject to all just exceptions.

The application is disposed of.

**BAIL APPLN. 467/2019**

1. This is an application for anticipatory bail. The petitioner has been named in FIR No. 46/2019 dated 23.01.2019 lodged in PS Mukherjee Nagar, Delhi, under Section 376/506 IPC.

2. The complainant is the cousin of the petitioner. Relevant extracts of her statement, as recorded in the FIR are as follows:-

*“During that time Mohit made a clip in some mall when I was changing my clothes in a mall about which I was not aware*

*during that time he started misbehaved with me for which I resisted but thereafter his misbehavior increased. I told this to his sister but she ignored. Mohit came to me and ask me to do sex when I refused than he showed me the clip I was frightened after seeing the clip. I requested him to delete the said clip but he told to have sex with them otherwise he will going to Viral the said clip. He raped me by taking advantage of my Majburi. Thereafter whenever he feels like he do the wrong things with me and he used to do oral sex also. He assured me that he will delete all the videos but whenever I was alone in the room he used to show me dirty videos on you tube and sexy videos and he used to threatened me that you have to do this with me and if you are not going to do this than I will viral these videos on you tube and than whole world will see your this videos. Thereafter after two three months I return to my home. I want to tell this to my mother father but due to the fear of society I never told this to anybody. Thereafter in April 2017 I came to Delhi and started my studies again and started taking coaching of SSC in KD campus but on 25 February 2018 Mohit came to Delhi and he took me from the outside of my PG in his car and he raped me in the car was Verna white color and last number was 8500 he raped me after showing me this clip and promised me that he will delete this video. Thereafter he return to Mohali and after that he never called me any phone. Thereafter on 14.01.2019 he called me number of times but due to fear I have not attended any call. Thereafter on 16.01.2019 he messaged me facebook messenger and abused me a lot and pressurized me to come to Mohali for having sex for which I was not agreeing than to make me afraid he send me the clip on facebook and torture me by showing this again and again. After sending me clip on facebook he threatened me that he will viral it on internet if I am not agreeing to him till now I was quiet because of society but now I am afraid that he will viral the video, thereafter I pray to you that strict action may kindly be taken against Mohit.”*

3. In respect of this application, learned counsel for the petitioner submits that the FIR has been lodged almost one year after the date of the

incident i.e. 25.02.2018 and that the complainant has declined to have herself medically examined. He submits that the petitioner is 24 years of age and that he has been falsely implicated in the FIR in view of personal disputes between his own sister and brother-in-law, who he claims is close to the complainant. He states that the petitioner was not in Delhi on the date in question i.e. 25.02.2018.

4. The petitioner's application for anticipatory bail has been dismissed by the learned Sessions Court, vide order dated 06.02.2019.

5. Keeping in mind the gravity of the offence and the nature of allegation in the FIR, I am not inclined to grant anticipatory bail in this case. The delay in filing of an FIR in a case of this nature is not sufficient ground for grant of anticipatory bail. The allegations in the FIR as to the offence are specific. They include allegations of possession of a video clip which was recorded without the complainant's consent, and repeated threats of widespread publication thereof. Learned APP submits that the case is still under investigation and has produced the case diary. The materials which have emerged in the case, so far, show that the complainant has alleged that she is being subject to threats and coercion by the family members of the petitioner, even after registration of the FIR.

6. In this event, the petitioner does not make out a case for grant of anticipatory bail. The application is therefore dismissed.

7. It is clarified that the observations in this order are only for the purposes of disposal of the present application.

**PRATEEK JALAN, J**

**MARCH 15, 2019**

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