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

% Judgment delivered on: 02.05.2019

\+ BAIL APPLN. 836/2019

ROHIT CHATURVEDI ..... Petitioner

versus

STATE ..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr.Vinay Kumar Sharma, Adv.

For the Respondent : Ms.Kusum Dhalla, Addl. PP for the State with SI Ajay Singh, P.S.Paharganj.

CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.228/2017 under Section 376/328/506 IPC, Police Station Paharganj.

2. The allegations in the FIR are that the prosecutrix came into contact with the petitioner through social media and thereafter on the pretext of getting her employment he called her to a hotel. It is alleged that certain amounts were transferred to his account and also some cash was given. Thereafter it is alleged that on 06.03.2017 he caller her to Delhi for the purposes of a job interview. He took her to a hotel alleging her to be his wife. Thereafter it is alleged that he gave her some water to drink and threatened her. Thereafter, it is alleged, he started misbehaving with her and threatened her with a pointed object and thereafter made physical relationship with her without her consent. Then, it is alleged, he took her to

a restaurant in Connaught Place and they had lunch. Thereafter it is alleged that she reached back home at Rohtak at about 8-9 pm. It is alleged that he again demanded money from her which she paid to him on 09.03.2017 and 10.03.2017 and thereafter also. It is alleged that when she asked for return of the money he refused to return the same.

3. Complaint was lodged on 10.07.2017 consequent to which the FIR was registered.

4. Status report indicates that deposit of money from the account of the prosecutrix to the account of the petitioner has been confirmed. Further the status report indicates that the prosecutrix had produced a green colour cloth on 23.03.2018, during investigation, which she alleged was used by the petitioner to wipe his private parts after committing the offence. The FSL report confirms that the DNA profile generated from the said piece of cloth matches the DNA of the petitioner.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that the petitioner has been trapped and is being black mailed on account of money. He further submits that there is nothing to suggest that there was any physical relationship between the prosecutrix and the petitioner or that the relationship was forcible. He further submits that there is substantial unexplained delay in making a complaint in as much as the allegation is that offence had taken place on 06.03.2017 whereas the complaint has been lodged on 10.07.2017 after a gap of four months. He further submits that prosecutrix had even denied for medical examination. He submits that the FSL report is suspect as the cloth has been produced after a year of the alleged incident.

6. The petitioner has been in custody since 09.02.2018.

7. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances of the case, I am satisfied that petitioner has made out a case for grant of regular bail.

8. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court, petitioner shall be released on bail, if not required in any other case. Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses. Petitioner shall not leave the country without the permission of the Trial Court. Petitioner shall surrender his passport if any to the IO, if not already done. Petitioner shall furnish to the IO his permanent residential address as well as his permanent mobile number and in case of change of either of the two, he shall duly inform the IO.

9. Petition is allowed in the above terms.

10. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

MAY 02, 2019
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