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

% **Date of Decision: 06.12.2019**

+ **BAIL APPLN. 1854/2019**

Raman Kumar @ Rohit @ Baba Petitioner

Through: Mr. Karan Khanna, and
Navjot Kumar, Advocates

versus

THE STATE OF DELHI Respondent

Through: Mr G.M.Farooqui,
APP for State alongwith
SI Rahul, PS Govindpuri.
Mr. S. C. Pandey & Rt.
A.C.P. Gautam, Advocates
for complainant.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J (ORAL)

1. Vide this order, I shall dispose of an anticipatory bail application filed on behalf of the petitioner **Raman Kumar @ Rohit @ Baba** under section 438 Cr.P.C. in FIR No. 98/19 u/s. 323/354/365/506/50934 IPC, PS. Govind Puri.

2. Ld. Counsel for the petitioner has prayed for anticipatory bail

on the ground that petitioner is innocent and has been falsely implicated in the present FIR. It is submitted that petitioner has not committed any offence as stated in the FIR in question. In the morning of 24.12.2018, the complainant had requested the petitioner for a meeting at Bus Stand Tara Apartment, Tuglkabad Extn. to discuss about some misunderstanding in their love affair and the petitioner had met her at Bus Stand about 12.45 pm to 1.15 pm on that day and no such act as alleged in the FIR has been committed by the petitioner. There is no medical document on record to support her allegations in the FIR. Even after registration of the FIR, the complainant tried to contact the petitioner through whatsapp voice call, WhatsApp Video Call and WhatsApp message on various occasion from her mobile phone no. 9625353366. In case, anything stated in the FIR would have happened with her, she would not have called or sent messages to the petitioner. It is submitted that there is delay in registration of the FIR. The alleged incident is of 24.12.2018 and there is not a single call to 100 number or written complaint to police on 24.12.2018. Further the application u/s. 156 (3) CrPC was filed by the complainant in the month of March, 2019

after a period of three months. Nothing is to be recovered from the petitioner and therefore, custodial interrogation of the petitioner is not required. The petitioner is ready to join the investigation as and when required and in these circumstances, it is prayed that petitioner be released on anticipatory bail and SHO/IO be directed to release the petitioner in the event of his arrest.

3. The anticipatory bail application is opposed by the Ld. APP for the State on the ground that the allegations against the petitioner are serious in nature. Petitioner is not joining the investigation. The investigation is still in progress and at initial stage. The petitioner is not cooperating with the investigating officer. He has, therefore prayed for dismissal of the bail application.

4. I have considered the rival submissions. As per the case of the prosecution, complainant 'P' had filed a complaint before Ld. CMM, Saket Court under Section 200 Cr.P.C. regarding threatening, kidnapping and molesting by the petitioner. However, on 07.03.2019, the said complaint was withdrawn as the place of occurrence falls within the jurisdiction of PS Govindpuri. On 14.03.2019, the said complaint of Ms. 'P' was received at PS

Govindpuri. On 19.03.2019, the complainant had come to the PS and lodged her complaint in which she alleged that she used to work in the Jagran and one Rohit also used to work with her. On 24.12.2018, she was threatened by Rohit over the phone to meet her while she was going to deposit examination fees in Govindpuri area. He came to her on a bike with his three other friends. Out of three, two were Vinay and Prince. Petitioner Rohit abused her and made her to sit on the bike. He took her to Tughlakabad village. She was threatened, molested and beaten up there in order to compel her to marry him. He also tried to strangle her with his belt. The victim has further alleged that the petitioner had tried to rape her and she had become unconscious. The petitioner Raman @ Rohit has not joined the investigation. On 30.07.2019, NBW of petitioner Raman Kumar @ Rohit @ Baba was obtained from the Ld.MM Saket Court. Complainant has also stated that on the day of the incident, her phone was also taken away by the petitioner. CDR details of the mobile phone numbers of complainant and accused were obtained in which the location of both the mobile numbers was near TKD Ext. on 24.12.2018 at 2.41 PM on the day of the incident.

5. In view of the above facts appearing on record and further in view of the fact that the case is at the initial stage of investigation and petitioner is not joining the investigation and evading his arrest and his custodial interrogation is required, no grounds for anticipatory bail are made out. The anticipatory bail application is, therefore, dismissed.

BRIJESH SETHI, J

DECEMBER 06, 2019

Amit