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

+ **BAIL APPLN. 2218/2019**

Naveen Goyal

..... Petitioner

Through: **Mr. Praveen Suri, Advocate**
versus

THE STATE OF DELHI

..... Respondent

Through: **Mr G.M.Farooqui,**
APP for State alongwith
SI Bhagwat Prasad,
P.S. Nangloi.
Mr. Mohan Meakin Indora,
Advocate for complainant.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

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30.09.2019

1. Vide this order, I shall dispose of the anticipatory bail application filed on behalf of the petitioner Naveen Goyal under section 438 Cr.P.C in FIR no. 334/2019, PS Nagloi, Delhi u/s. 328/376D/384/506/34 IPC.

2. Brief facts for disposal of the bail application are that an FIR No. 334/19, PS Nangloi was registered on the statement of complainant in which she alleged that she met accused Ashwani and Deepak in 2014 for the search of job. Deepak took her to Aircel Head Office & she got her appointment at A-25, Amar Colony, Veer

Bazar Road, Nangloi, Delhi. She submits that after joining, on 20.05.2015, Deepak forcibly captured her photographs and touched her private parts after opening her shirt in a room where CCTV was also installed. On that day, Deepak came at her home and shown her some photographs. She further alleged that in July, 2015 at about 4 pm, Deepak forcibly did natural & unnatural sex with her and also made video of the incident. In winter of 2015, accused Deepak threatened her, and pressurized her to meet him with Rs.20,000/- at 'O Delhi Hotel', Karol Bagh and he made her entry in register as Deepa Singh. In hotel room, accused Deepak forced her to drink some cold drink due to which she got unconscious after which accused Deepak took Rs. 20,000/- from her. When she gained consciousness she found herself naked and one boy was also present with the Deepak in the hotel room. On that day, accused Deepak and that boy both raped her and made the video. She further alleged that accused Deepak further extorted Rs. 45,000/- on 11.08.2017 & Rs. 26,000/- on 31.08.2017 by threatening her of sharing her video on internet. He also snatched her credit & debit card. She further alleged that her abortion was also done on 01.03.2018 and after that

accused Deepak forcibly married her. She further alleged that on 17.01.2019, accused Deepak and her sister-in-law called her at their house in Rajendra Park, Nangloi, Delhi, where they locked her in a room with a boy namely Naveen i.e. petitioner and she was raped by him also. Accused Deepak also took money from petitioner Naveen.

4. Learned counsel for the petitioner has prayed for anticipatory bail on the ground that petitioner is innocent and has never been involved in any criminal case. Accused Deepak has already been arrested and petitioner has an apprehension of being arrested. Another co-accused Ms. Deepa was granted bail on 19.07.2019. Petitioner is 28 years married old having a child of 1-1/2 years old. Petitioner has nothing to do with any of the incidents as stated in the FIR. Co-accused Deepak has taken a loan of Rs. 2,50,000/- from the father and brother-in-law (Jija) of the petitioner. Petitioner has been falsely implicated by co-accused Deepak for avoiding loan amount by taking his name in the statement. Petitioner is ready to join the investigation.

10. The application is opposed by the Ld. APP for the State on the ground that the allegations against the applicant/ accused are

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serious in nature. There are allegations of rape of the complainant by the petitioner on 17.01.2019. Petitioner is absconding and PO proceedings have been initiated against him. He has, therefore, prayed for dismissal of the bail application.

11. I have considered the rival submissions. The petitioner is absconding and proceedings under Section 82 CrPC have been initiated against him. There are allegations of rape against him. The complainant has alleged that she was raped by the petitioner on 17.01.2019. Keeping in view the above facts and nature of the offence, no grounds for anticipatory bail are made out. The anticipatory bail application is, therefore, dismissed.


BRIJESH SETHI, J

SEPTEMBER 30, 2019

Amit