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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 1196/2016 with CRL.M.As. 4812/2017, 5024/2018,
9252/2018, 31991/2018

KRISHNA GOPAL GUPTA Petitioner
Through: Mr. Kishan Singh Chauhan, Adv.

versus

THE STATE Respondent
Through: Mr. Hirein Sharma, APP for State
SI Prateek, ASI Hari Singh, PS -
Jatipur
Mr. Puneet Mittal, Sr. Advocate with
Mr. R.P.Singh, Ms. Vasudha Bajaj
and Mr. Abhiesumat Gupta, Advs. for
R-2

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER
% **16.10.2019**

BAIL APPLN. 1196/2016

It is not in dispute that the applicant/ accused was awarded interim protection with effect from 11.07.2016 and till date charge-sheet in this case has not been filed.

It is also not in dispute that the applicant has joined the investigation as and when called by the Investigation Officer.

It is argued by the APP for the State that the petitioner sent some messages on WhatsApp/ Facebook by stating so many words against the complainant and her family members. Moreover, petitioner after the interim protection, contacted to the complainant and threatened her for dire consequences and to this effect, the status report has confirmed that the applicant/ accused had contacted the complainant.

Learned counsel for the petitioner disputes that the SIM is owned by the petitioner and also disputes the signature of the petitioner on the application form for acquiring the SIM. He further submits that to that effect, a complaint has already been lodged to the police.

Since the petitioner is not required for further investigation and the concerned IO may require time for filing the charge-sheet and trial will take substantial time, therefore no purpose would be served by confining the petitioner into custody.

Keeping in view the facts and circumstances of the case, this Court is of the considered view that the present case is fit for anticipatory bail. The SHO/ Arresting Officer/IO concerned, is hereby directed that in the event of arrest, the petitioner/ applicant be released on bail on the following terms and conditions:-

- (i) That the petitioner shall furnish a personal bond in the sum of ₹25,000/- with one surety in the like amount subject to the satisfaction of Arresting Officer/SHO/IO concerned;
- (ii) That the applicant shall not contact either of the witness or the complainant at any place including her office.

- (iii) That he shall not send any message on WhatsApp, Facebook or any other social media regarding their marriage with respect of the complainant and her family members.
- (iv) That the petitioner shall cooperate with the investigation and make himself available for interrogation by police officer, as and when required.

In case of default of aforementioned conditions, the State is at liberty to take appropriate recourse in accordance with law.

Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the case.

The present bail application stands allowed. Pending applications stand disposed of.

SURESH KUMAR KAIT, J

OCTOBER 16, 2019

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