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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1962/2017**

SH ASHUTOSH VERMA Petitioner
Represented by: **Mr. Vinay Kumar Sharma, Advocate**

versus

THE STATE Respondent
Represented by: **Mr. Ashok Kumar Garg, APP with SI**
Shailendra Singh, PS Amar Colony

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
24.01.2019

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By this petition, the petitioner seeks anticipatory bail in case FIR No. 607/2016 under Sections 376/376(2)(F)/376(2)(K)/376(2)(N)/506 IPC registered at PS Amar Colony.

In the said complaint, the complainant alleged that when she was 17 years and studying in 12th standard. She was introduced to the petitioner by her mother in the year 2011. The petitioner was known to her mother for the past few years. The petitioner claims to be an influential lawyer and initially treated her like his daughter. In the month of May 2011, he convinced her mother to take out the complainant for shopping, where they were also accompanied by her friend. The petitioner took both of them to his Vasant Kunj flat where he spiked their cold drink and raped her for the first time. The complainant was in a state of shock and could not disclose the incident to anybody. Taking advantage of the same, petitioner started blackmailing and raping her forcibly against her wishes everyday.

Later, the petitioner introduced her to his family and took her out for the family outings and physically exploited her. In May 2012, the petitioner arranged for sending the complainant along with his own daughter to U.K. and sanctioned her an amount purportedly as educational loan. When she reached London, she was sexually abused there too and was working as a caretaker to his daughter who was medically unfit. The complainant came back to India in 2013 whereafter also she was subjected to sexual exploitation and the threats from the petitioner.

During the course of investigation, statement of the complainant was recorded under Section 164 Cr.P.C. on 07.10.2016 and her medical examination was conducted. Despite the claim of the complainant that she had no relationship with the petitioner since 2014, the opinion of the Doctor was "UTP = positive". During investigation, the petitioner produced copies of the emails, cheques, statements of bank accounts showing that he had advanced loan to the complainant and when he asked for the return of the loan, the FIR in question was slapped on him.

Since the allegation of the complainant was that the petitioner used to send him text messages, the complainant was asked to give her mobile phone so that the messages could be checked, however, she did not provide her mobile phone for sending the same to FSL for retrieving the SMSs.

Since the complainant had alleged that the petitioner has been filing false complaints against her family members, this Court had asked the petitioner to file an affidavit as to the complaints lodged by him. An affidavit has been filed by the petitioner which shows that the complaints

against the complainant only related to dishonour of the cheques issued by the complainant to the petitioner as return of education loan.

After completion of investigation, chargesheet has already been filed. However, learned APP for the State submits that the supplementary chargesheet is yet to be filed.

When the present petition for anticipatory bail came up before this Court on 26th September, 2017, this Court passed the following order:

“Considering the facts and circumstances of the case, the petitioner is directed to join the investigation and in the event of his arrest, he be released on bail, on his furnishing personal bond in the sum of ₹ 20,000 within one surety of the like amount to the satisfaction of the SHO/Investigating Officer concerned till the next date with the condition that he shall not influence the prosecution witnesses; he shall not contact, threaten or coerce the victim or any of her family members or to indulge in any illegal activities; he shall not tamper the prosecution evidence and he should not leave India without prior permission of the Court below.

Till the next date, status report be called.

Renotify on 16th October, 2017.

Copy of this order be given dasti, as prayed.”

From the order, it is apparent that the petitioner was granted interim protection till the next date, of course, subject to his furnishing a personal bond and a surety bond to the satisfaction of the Investigating Officer/SHO concerned. Pursuant to this order, being treated as an order of final anticipatory bail, the learned trial court had accepted the bail bond and the surety bond of the petitioner on filing of the chargesheet, which was objected to by the complainant. Hence, the learned trial court sought a

clarification on this count whether the bail bond accepted by the learned trial court should be continued or should be cancelled and whether the bail of the petitioner was required to be cancelled though he did not violate any of the conditions of bail.

Keeping the application of the complainant in abeyance, awaiting the orders of this Court, learned Metropolitan Magistrate send the copy of the order to this Court.

Considering the facts of the case, and on hearing learned counsel for the parties, this Court deems it fit to grant regular anticipatory bail to the petitioner directing that in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of ₹ 20,000 with one surety bond of the like amount to the satisfaction of the SHO/Investigating Officer/trial court concerned, and that the petitioner will not leave the country without the prior permission of the Court concerned.

The learned trial court will now pass orders on the application of the complainant.

This petition is disposed of.

Order dasti.

MUKTA GUPTA, J.

JANUARY 24, 2019
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