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

+ **BAIL APPLN. 3034/2019**

VIKRAM

..... Petitioner

Through Mr. Vikram Singh Jakhar, Adv.

versus

STATE

..... Respondent

Through Mr. Amit Chadha, APP for State
SI Nisha, PS Adarsh Nagar

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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07.02.2020

1. Vide the present application, petitioner/applicant seeks Anticipatory Bail in the event of his arrest in FIR No. 388/2019 registered at Police Station – Adarsh Nagar for the offences punishable under Section 376/328 of IPC.
2. As per the allegations made by complainant against petitioner in the aforesaid FIR are that she is 29 years old married woman having three children-two daughters and a son. Inside of the gali wherein complainant was residing, one boy namely Praveen Singh, used to reside. He was known to her for the last so many years. Last year, when winters were approaching, she was going to Azadpur to buy some household articles. On the way Praveen met her and offered her juice which she consumed. After consuming the juice, she felt strange. Praveen advised her to take some rest at his friend's house which was situated nearby. He took her there and then

what had happened to her after reaching the room, she did not know. When she regained her consciousness, Praveen showed her video in his phone, in which he was making relations with her in her unconscious condition, thus raped her. After showing video, Praveen told her that she had to come with him whenever being called, otherwise he will show the video to her husband. She was afraid to the extent that she had not revealed anything to anyone. Then after 2-4 days Praveen gave her a phone and instructed her to talk to him or else he will show the video to everyone. Thereafter, they started talking to each other. On every 2nd or 3rd day, Praveen used to call her to meet him, while extending threats of videos and on her denial, he never agreed. Praveen has taken a room on rent in Bank Wali Gali, Azadpur and in the said room, from past one year, he was making sexual relations with her without her consent. Praveen has given her assurance that if she takes divorce from her husband then he will marry her. Where Praveen has taken room on rent, there he has introduced complainant as his wife and instructed her to have a smiling face, so that no one suspects.

3. Further case of prosecution is that at about six months ago, maternal uncle of Praveen (petitioner herein) came to know about their relationship. Thereafter, Vikram has asked her to make relation with him also as she was already in a relation with his nephew. She had made relations with him on two occasions, due to the fear that Praveen and her relatives would come to know about the same. Thereafter, Vikram has stopped talking to her. Praveen last time called her in the said room on dated 7.11.2019 and made relations with her. On 8.11.2019 her brother in law saw her when she was talking on phone with Praveen, due to which quarrel took place in her family. Because of the fact that she used to like Praveen and she did not

want to live with her husband, Praveen has promised her that if she will take divorce from her husband, he will marry her. Due to this reason and quarrel in the family, she divorced her husband.

4. Based upon the aforesaid allegations, learned APP has opposed the present petition and submits that the petitioner had made sexual relations with the prosecutrix without her consent and by putting her under threat, therefore, the bail application deserves to be dismissed.

5. Counsel for the petitioner submits that Petitioner herein, is maternal uncle of co-accused Praveen who has already been granted bail by Court of Sessions. Parveen refused to marry prosecutrix as she is already married and having three children. The prosecutrix approached the petitioner with a view to put pressure on accused Parveen for marriage, however, when the petitioner also refused for their relations, prosecutrix intentionally and willfully named the petitioner in FIR. The prosecutrix alleged that about six months ago, petitioner maintained physical relations with her twice as he said that since she was making physical relations with his nephew, therefore, she has to make relations with him also and thereafter petitioner had not talked to her. Thus, it is the admitted case of prosecutrix that there was no force used by petitioner for the alleged relation, whereas the allegations are nothing but false.

6. He further submits that petitioner is having clean antecedents and nothing incriminating is to be recovered from the petitioner or at his instance and as such the custodial interrogation of the petitioner is not required by the police

7. In light of above mentioned facts, without commenting upon merits of the case, this Court is of the considered view that present case is a fit case

for granting Anticipatory Bail.

8. Accordingly, the SHO/ Arresting Officer/IO concerned, is hereby directed that in the event of arrest, petitioner/applicant be released on bail on the following terms and conditions:-

(i) Petitioner shall furnish a personal bond in the sum of ₹20,000/- with one surety in the like amount subject to the satisfaction of Arresting Officer/SHO/IO concerned;

(ii) 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, State is at liberty to take appropriate recourse in accordance with law.

9. 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.

10. Application stands allowed and disposed of.

11. Order dasti under signatures of the Court Master.

SURESH KUMAR KAIT, J

FEBRUARY 07, 2020

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