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

% **Date of Decision: 21.01.2020**

+ **BAIL APPLN. 2990/2019**

RUDRA CHAUDHARY Petitioner

Through: Mr. Harish Singh, Advocate.

versus

STATE OF NCT OF DELHI Respondent

Through: Mr Tarang Srivastava,
APP for State with WSI
Brahmo Devi PS: Kishan
Garh.
Complainant in person.

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 under section 438 Cr.P.C. on behalf of the petitioner **Rudra Chaudhary** in FIR No. 351/2019 u/s. 376/506 IPC, PS Kishangarh.

2. Ld. Counsel for the petitioner has prayed for anticipatory bail on the ground that petitioner is innocent and has been falsely implicated. It is submitted that petitioner is a permanent resident of

Delhi and there is no chance of his absconding from justice. The present FIR has been lodged just to extort money from the petitioner which is clear from the messages that have been exchanged between the petitioner and the complainant. It is further submitted that there is an apprehension that police may arrest the petitioner in present FIR bearing no. 351/2019. The petitioner has already ready joined the investigation and in these circumstances, it is prayed that in the event of arrest, he be released on anticipatory bail.

3. Ld. Counsel for the petitioner, in support of its submissions, has relied upon the following case law:-

1)Rohit Chauhan v. State of NCT (Delhi) 2013(4) JCC 2801;

2)Raju v. State of Madhya Pradesh, (2008) 15 SCC 133;

4. I have gone through the above case law. However, the same are distinguishable on the basis of the facts and circumstances stated therein.

5. 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 has sexually assaulted the complainant on the pretext of marriage. Petitioner is absconding

and proceedings under Section 82 Cr.P.C. have been initiated against him. He has, therefore prayed for dismissal of the anticipatory bail application.

6. I have considered the rival submissions. The present case FIR No. 351/19 u/s. 376/506 IPC, PS Kishangarh, New Delhi was registered on 16.09.2019 on the statement of complainant/prosecutrix. She has alleged that in the month of march/April, 2019, she came in connect with a person namely Rudra Chaudhary through facebook and they became friends. In the month of April, 2019 she met the petitioner outside Saket Mall and after sometime, petitioner accompanied the complainant to her room at Kishangarh. On the pretext of having a cup of tea, petitioner started kissing and hugging her and overpowered the complainant and made sexual relations against her consent/will. After the incident, petitioner stated the complainant/prosecutrix that he would marry her and pleaded not to tell anyone about this incident. On 23/04/2019 at around 1.30 p.m, petitioner again came to complainant/prosecutrix's room in Kishangarh and made physical relations without her consent. After second incident, complainant

felt that petitioner is playing with her emotions and therefore she told the petitioner that she was going to make a police complaint but petitioner pleaded to forgive him. After some days, petitioner told the prosecutrix that he was leaving Delhi as he had got a job in Chennai. In the month of July, 2019, she went to drop him to the Airport where petitioner told the prosecutrix that he would never marry her and also threatened her of dire consequences if she complained the matter to the police.

7. The above allegations levelled against the petitioner are serious in nature. He has committed sexual intercourse with the prosecutrix on the pretext of marriage. According to Ld. APP, complainant/prosecutrix and petitioner were inquired about the chats provided by the petitioner during hearing of his bail application. It was claimed by the prosecutrix that her mobile phone was taken away by the petitioner on 01.06.2019 and returned after some days but petitioner denied the claim of the prosecutrix. Thereafter, CDRs of the mobile phones of the petitioner as well as complainant/prosecutrix were obtained and after analyzing, the location of mobile phone connection bearing no. 9625029930 of the

complainant was at Pandav Nagar (residence of the petitioner) and Vasant Vihar (work place of the petitioner) which gives credence to the claim of the complainant. Thus, in view of the nature of the offence and the allegations which suggest that sexual intercourse was made by the petitioner on the pretext of marriage, no grounds for anticipatory bail are made out. The anticipatory bail application is, therefore, dismissed and stands disposed of accordingly.

BRIJESH SETHI, J

JANUARY 21, 2020

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