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

% **Date of Decision: 28.02.2020**

+ **BAIL APPLN. 3124/2019 & CRL M.B 2191/2019**

PRAHALAD RAM

..... Petitioner

Through: **MR. Adit S.Pujari, Mr.
Chaitanya Sundraiya and Ms.
Tusharika Mattoo, Advocates.**

versus

STATE OF DELHI NCT

..... Respondent

Through: **Mr. G.M.Farooqui, Ld. APP
for the State.**

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 two bail applications filed under section 439 Cr.P.C; one for regular bail and another for interim bail during the pendency of the main application on behalf of the petitioner **Prahalad Ram** in FIR No. 49/2019 u/s. 376/354/506 IPC, PS Tughlak Road.

2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated.

Petitioner is in custody since 17.07.2019. It is submitted chargesheet in the present case already stands filed and the only evidence brought on record are the statements of the Complainant/her husband and CDRs. There is evidently no possibility of the petitioner tampering with the evidence after filing of the chargesheet. It is further submitted that Call Data Record of the Prosecutrix shows that she has made over hundred phone calls to the petitioner in the period between 20.03.2019 to 24.04.2019 but the petitioner made no calls to the prosecutrix after she moved out.

3. It is submitted that the petitioner is ready and willing to submit and cooperate in case of any further investigation and undertakes not to contact any witnesses or tamper with any evidence. It is, therefore, prayed that petitioner be released on bail in the interest of justice.

4. Ld. APP for the State has opposed both the bail applications i.e. interim as well as regular on the ground that the allegations against the petitioner are serious in nature. It is further submitted that on the pretext of job, petitioner made physical relations with the

prosecutrix several times. Ld. APP, has therefore, prayed for dismissal of bail application.

5. I have considered the rival submissions. On 15.07.2019 a complaint was made by prosecutrix in which she has alleged that she worked as helper at Kothi No 3, Janpath Moti Lal Nehru Marg, New Delhi from January, 2018 to May, 2019 where petitioner was also working as cook. Petitioner premised the victim that he could arrange a job for her and for her daughter. In April, 2019, petitioner came to her servant quarter and made physical relations with her without her consent and threatened her that if she wanted job and safety of her son, she should work as per his directions. After this incident, petitioner again made physical relations with the prosecutrix twice. Later on, victim vacated the servant quarter but petitioner followed her and asked her to meet. Victim made a complaint in this regard and the present FIR bearing no. 49/2019 under Section 376/354/506 IPC was registered. During investigation, statement of prosecutrix under Section 164 Cr.P.C. was recorded. Statements of residents of servant quarters were recorded and call details of the petitioner and prosecutrix with her

husband were also taken from concerned Nodal officers. According to call detail record, many calls were made to the prosecutrix by the petitioner and prosecutrix also called the petitioner.

6. The above allegations appearing against the petitioner are serious in nature. On the pretext of arranging job, the petitioner has raped the victim thrice and also threatened her. Keeping in mind the nature and gravity of offence, no grounds for bail are made out at this stage. Both the bail applications i.e. interim as well as regular one are, therefore, dismissed and stand disposed of accordingly.

BRIJESH SETHI, J

FEBRUARY 28, 2020

AK & AP