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

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Date of Decision: 28.02.2020

+ **BAIL APPLN. 174/2020**

SANJAY SUNAYA

..... Petitioner

Through: **MR. S.K.Dayal, Advocate.**

versus

THE STATE(GOVT OF NCT OF DELHI) Respondent

Through: **Mr. Tarang Srivastava, Ld.
APP for the State with SI
Ritu Dangi: PS Kalyanpuri.**

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 **Sanjay Sunaya** in FIR No. 560/2019 u/s. 354/354-A/506 IPC & 8 POCSO Act, PS Kalyanpuri.

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 no incident as alleged by the complainant was occurred on 06.12.2019 and in the audio and video recording of the incident dated 07.12.2019, complainant herself has admitted that no such incident has occurred on 06.12.2019 and she has lodged a false FIR against the petitioner. It is further submitted that petitioner has clear antecedents and is ready to join the investigation as and when required. It is, therefore, prayed that in the event of arrest, he be released on bail.

3. Ld. APP for the State has opposed the anticipatory bail petition on the ground that the allegations against the petitioner are serious in nature. Petitioner is also involved in three more cases which are as follows

<i>Sl.no.</i>	<i>FIR no.</i>	<i>Under Sections</i>
<i>1</i>	<i>125/2010</i>	<i>323/341/427/506/34 IPC</i>
<i>2</i>	<i>452/2017</i>	<i>341/323/376/377/506/509/34 IPC</i>
<i>3</i>	<i>578/2017</i>	<i>323/354/452/506/509/34 IPC</i>

4. In view of the above, Ld. APP, has prayed for dismissal of the

anticipatory bail application.

5. I have considered the rival submissions. As per prosecution version, the present case FIR was registered on the complaint of victim wherein she has alleged that on 06.12.2019, at about 4.30 pm, petitioner came at her house and pressed her chest. It is further alleged that petitioner also threatened the victim not to tell anything about the said incident to anyone. Statement of victim under Section 164 Cr.P.C. was got recorded in which she has reiterated her previous version. During the course of investigation, date of birth of victim was found 31.01.2002. Petitioner is involved in several criminal cases and he is evading his arrested intentionally. NBW was got issued against him but he could not be arrested. Hence, vide order dated 17.02.2020, proceeding under Section 82 Cr.P.C. was issued against him.

6. The allegations against the petitioner are serious in nature. Victim was minor at the time of commission of offence. The case is at a very initial stage of investigation. The authenticity of the audio and video recording will be considered at the appropriate stage. Keeping in mind the fact that petitioner is previously involved in

three other criminal cases and proceeding under Section 82 Cr.P.C. has been issued against him in the present case, no grounds for anticipatory bail are made out at this stage. The anticipatory bail application is, therefore, dismissed and stands disposed of accordingly.

BRIJESH SETHI, J

FEBRUARY 28, 2020

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