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

+ **BAIL APPLN. 205/2020**

ARVIND SAROHA

..... Petitioner

Through: Mr Sudarshan Rajan, Mr Rohit Kumar, Mr Hitain Bajaj and Mr Vijay Kumar Sharma, Advocates.

versus

STATE

..... Respondent

Through: Ms Meenakshi Chauhan, APP for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.02.2020

1. The petitioner has filed the present petition, *inter alia*, seeking bail in connection with FIR No.0195/2019, under Sections 376/328 of the IPC registered with PS DBG Road. The said FIR was registered at the instance of the prosecutrix (name withheld to avoid any ignominy). She alleged that she knew the petitioner as a colleague, while she was working with another concern. She had, subsequently, left her employment and at the material time was looking for another employment. She states that at that time (sometime in the year 2018), the petitioner had met her and had represented that he would arrange for her employment.

2. She alleged that on one particular day, he induced her to accompany him to Noida on the pretext of a job interview. He took her to a hotel and had insisted that she consume some cold drinks. She stated that the cold

drinks were laced with some substance and thereafter, she does not remember anything. However, when she regained consciousness, she was lying on the bed and the petitioner was also present in the room. He told her she had fallen asleep. She believed the same at that time. He then told her that the job interview is not possible on that date. She states that they had returned and she had, thereafter, found another job and had reduced her communication with the petitioner.

3. She states that, thereafter, the petitioner had once again contacted her and had expressed his love for her and had also proposed for their marriage, which she declined. She states that, thereafter, he started blackmailing her by showing her some photographs which he had taken in the hotel at Noida and threatened her that he would upload the same on the internet. Under the threat of ignominy, she had accompanied him to various hotels on various occasions, where they established physical relationships. She filed the FIR in question on 11.10.2019.

4. The learned counsel appearing for the petitioner has also drawn the attention of this court to the statement made by the prosecutrix and recorded under Section 164 of the CrPC. In the said statement, she had expressed her desire to get married to the petitioner, provided he keeps her properly.

5. Undeniably, there is a considerable delay in filing the said FIR. The status report had been filed, which indicates that the mobile phone of the petitioner was seized and sent to FSL. However, the IO is unable to state whether the said mobile phone contained any photographs or any material by which the prosecutrix could be blackmailed. According to him, he did not examine the mobile phone and therefore, he is unable to answer the same.

6. It is, thus, apparent that at present there is no material, apart from the statement made by the prosecutrix, that would establish her allegation that she was being blackmailed and had consented to physical relations with the petitioner under any threat.
7. The hotels records, which were visited by the petitioner and the prosecutrix, have been examined and this Court is informed that the entry registers bear the signatures of both the petitioner as well as the prosecutrix. However, there is no other evidence which would corroborate the prosecutrix's version that she was taken to those hotels involuntarily.
8. The prosecutrix's statement that she had rejected the petitioner's proposal for marriage appears to be somewhat contrary to the statement made under Section 164 of the CrPC by her.
9. Considering the circumstances of this case, this Court considers it apposite to allow the present petition. The petitioner is directed to be released on bail on his furnishing a personal bond in the sum of ₹20,000/- with two sureties of an equivalent amount to the satisfaction of the concerned Trial Court. The petitioner shall ensure that he shall remain present on each hearing before the Trial Court. He shall also provide his mobile number to the concerned SHO and ensure that he is reachable at all times. The petitioner shall also duly inform the concerned police station of any change in his address.
10. The petition is allowed in the aforesaid terms.
11. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

FEBRUARY 13, 2020/MK