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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 448/2020**

ROHIT RANJAN

..... Petitioner

Through: Mr. Alok Bhachawat and Mr. Uday
Singh, Advocates

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Manjeet Arya, APP for State with
I.O. appearance not given

Ms. Liyi Marli, Advocate for the complainant

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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25.02.2020

1. The present application has been filed seeking anticipatory bail in FIR No.6 of 2020 registered under Sections 376/370 IPC and 4 of POCSO Act at P.S. Govind Puri, New Delhi.
2. Learned counsel for the petitioner submits that the petitioner is falsely implicated in the present case. He submits that the petitioner is the owner of the 'Spa' where the alleged incident had taken place. He also submits that the allegations are only against the co-accused *Shakuntala*. He also refers to the statements recorded under Sections 161 and 164 Cr.P.C. to submit that as per the prosecution case, after the alleged fight between the petitioner and *Shakuntala*, he had, in fact, asked a lady named Kamya@ Ekta to take the complainant to her house and has rather been instrumental in registration of the case.
3. Per contra, learned APP for the State, duly assisted by the learned counsel for the complainant, has vehemently opposed the bail application.

She submitted that the prosecutrix was brought to Delhi on 7.11.2019 by one Guddi and was kept in a hotel room for a day where she was sexually assaulted. Thereafter, Guddi left her with the co-accused Shakuntala who took her to the aforesaid ‘Spa’ where she was sexually exploited for 3 days. Learned APP further submitted that during investigation, Section 370-A and Sections 3,4,5,6 and 7 of ITP Act have also been added. It is also submitted that as per the statement of the complainant, the offence had been committed on a number of occasions at the premises owned by the present petitioner. It is further submitted that dispute between the petitioner and Shakuntala occurred on account of payment made by one of the customers after the alleged incident.

4. So far as the conduct of the present petitioner is concerned, learned APP for the State has also referred to D.D. No. 28A dated 06.01.2020, as per which, it was informed that the prosecutrix aged about 16 years was found near Lajpat Nagar Metro Station, Pillar No. 4 at about 9:15 a.m., who stated that an offence of rape was committed upon her.

5. Learned APP for the State, on instructions from the I.O., informs that the mobile number from which the aforesaid call was made has been traced to the lady named Kamya@ Ekta who is admitted by the learned counsel for the petitioner to be an employee of the present petitioner.

6. I find force in the submission of the learned APP that the petitioner has misled the Court and given false information to the police by conniving with his own employee i.e., Kamya@ Ekta who under the garb of protecting

the prosecutrix was rather trying to save the present petitioner as she concealed the fact from the police that the prosecutrix worked at the 'Spa' owned by the petitioner for 3 days.

7. In view of the above facts and circumstances of the case and the fact that the prosecutrix is about 16 years of age and alleged offence has occurred on more than one occasion at the premises owned by the present petitioner, I do not deem it fit to grant anticipatory bail. Accordingly, the bail application is dismissed.

MANOJ KUMAR OHRI, J

FEBRUARY 25, 2020/na