

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

% **Date of Decision: 05.03.2020**
+ **BAIL APPLN. 515/2020**

BIKRAMJIT SINGH Petitioner
Through: Mr. K. Kaushik, Advocate.
Versus

STATE (GOVT OF NCT OF DELHI Respondent

Through: Mr. G. M. Farooqui,
Additional Public Prosecutor
for State with W/ASI Sushma
Chaudhary, PS Shalimar
Bagh.
Mr. Siddharth S. Yadav,
Advocate for complainant.

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 a bail application filed under section 438 Cr.P.C on behalf of the petitioner **Bikramjit Singh** in FIR No. 463/2019 u/s. 376/506 IPC, PS Shalimar Bagh.

2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated. It is submitted that entire prosecution story is wrong, false and concocted. In fact, the petitioner was not even residing at BB-58-C,

Shalimar Bagh, Delhi, in May, 2018 and he shifted there in July, 2019 only and prior to this, he along with his family had been residing at BK-36, Shalimar Bagh, Delhi.

3. It is submitted that petitioner has joined the investigation number of times. He was medically examined and he has also handed over his cell phone to I.O. CDR of his phone has been collected by the IO and from the CDR, it is clear that the petitioner never remained in the company of the complainant/ prosecutrix during the alleged period from May, 2018 to 19.08.2019 and more particularly, on 19.08.2019 when the prosecutrix alleged the last incident of inter-course at BB-58-C, Shalimar Bagh. At that time petitioner was in Dehradun which stands proved from the CDR of the petitioner.

4. It is submitted that the petitioner is a disabled person and suffers from 61% disability and his one leg is short due to which he is unable to move properly. He is chronic heart patient and suffering from various old age ailments. It is submitted that petitioner is ready to join investigation. It is, therefore, prayed that petitioner be released on bail in the event of his arrest.

5. Ld. APP for the State has opposed the bail application on the ground that the allegations against the petitioner are serious in nature. Petitioner has made sexual intercourse with the victim without her consent. He has, therefore, prayed for dismissal of bail application.

6. I have considered the rival submissions. The present case FIR No 463/2019 u/s 376/506 IPC, dated 18.09.2019, PS.Shalimar Bagh, Delhi, was got registered on the complaint of Smt. 'S' Aged about 30 years regarding rape and blackmailing. On 18.09.19 the complainant had come to police station Shalimar Bagh, Delhi and made a written complaint alleging that her husband was working at the shop of the petitioner Bikaramjeet, who was running a business of fruits and vegetables at Azadpur, Fruit Mandi, Delhi. She alleged that she was working as house maid at H. No. BB-58C, Shalimar Bagh, Delhi, in the house of the petitioner since May 2018. In the first week of the month of June 2018, the petitioner Bikramjeet gave a cold drink to the complainant and thereafter she became unconscious and when she regained consciousness, she was naked and the petitioner had raped her and also prepared a video of the

same. The petitioner threatened her that if she tells the incident to anyone he will kill her husband. Thereafter petitioner kept raping her continuously for more than one year and he lastly raped her on 19.08.2019 at BB-58C, Shalimar Bagh, Delhi. On the basis of the complaint, the present case was registered. During the course of investigation, on 21/9/2019 statement of the victim u/s 164/Cr.P.C. was recorded wherein she has supported her earlier version.

7. Ld. counsel for the petitioner has contended that CDR of the phone of the petitioner has been collected by the IO and from the CDR, it is clear that the petitioner never remained in the company of the complainant/ prosecutrix during the alleged period from May, 2018 to 19.08.2019 and more particularly, on 19.08.2019 when the prosecutrix alleged the last incident of inter-course at BB-58-C, Shalimar Bagh. At that time, the petitioner was in Dehradun which has been proved from the CDR of the petitioner. I have considered the contention of Ld. counsel for the petitioner. The authenticity of the CDR can only be judged at the appropriate stage. It is settled law that at this stage of bail, the court cannot minutely examine and analyze the prosecution evidence or defence of the accused as no

mini trial can be conducted while deciding the bail application.

8. Keeping in view the facts appearing on record and the allegations leveled against the petitioner which are grave in nature and further keeping in view the fact that petitioner has not only videographed the alleged incident of sexual intercourse but also threatened the victim, 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

MARCH 5, 2020

Amit

