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

+ **BAIL APPLN. 1988/2020**

JIYA @KHAMAR JAHAN

..... Petitioner

Through: Mr Rajesh Arora, Advocate.

versus

STATE

..... Respondent

Through: Mr Amit Gupta, APP for State with
SI Sachin Mann, Special Staff Rohini.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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06.08.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, praying that the petitioner be released on bail in FIR No.0142/2018 under Section 328/342/384/387/411/506/120-B/34 of the IPC registered with PS Prashant Vihar.
2. The said FIR was registered at the instance of one Mr Jatin Chhabra (hereafter referred to as the 'complainant'). He had stated that he is engaged in the business of construction and renovation of the properties and usually visits the sites to take instructions regarding renovation and interior work. He stated that on 17.03.2018, he received a whatsapp message from a mobile stating that "we the property holders requesting you to visit the site of their property so that the deal could be finalized once the same is inspected the work to be done by you at the property". He was also given

Signature Not Verified

Signed By: DUSHYANT
RAWAL
Location:
Signing Date: 06.08.2020
21:52:30

instructions to park his vehicle at a particular spot.

3. He stated that on the same day, at about 5.15 PM, he went to the site and parked his car as instructed. He was greeted by a person near the appointed parking space, who escorted the complainant to the third floor of a flat, which was at a walking distance from the place where he had parked his car. He stated that when he reached the third floor of the flat, he met a couple (a woman and a man). They introduced themselves as owners of the property and asked him to inspect the same for carrying out renovation work. He stated that thereafter, he was offered a cold drink (Coca Cola) in a glass. He accepted the same and after consuming it, lost consciousness. He stated that when he regained consciousness, he was shocked to see that he was completely nude and there were no clothes on his body. All his clothes had been removed. He stated that he pleaded with the said two persons as to return his clothes and also enquired as to what substance was mixed in his cold drink. He states that thereafter, four other men and three women entered the room and thus there were five men and four women in the room. One of the men had a revolver in his hand and other man had a knife in his hand. They threatened him that if he raised any alarm, he would be murdered. They threatened that if he did not do what they wished, he would be implicated in false rape cases. The complainant states that he pleaded with them not to do so and agreed to fulfil their demands. He alleges that they kept him in their custody without his consent. They also stated that they had taken his nude photographs with a woman, who was also standing there, in a compromising position and demanded a ransom of ₹35 lakhs. They also threatened him that they would post his nude photographs and videos on social media to defame him if he did not comply.

4. He stated that he was carrying ₹50,000/- in cash with him which he handed over to them. An amount of ₹6.5 lakhs lying in his car, which was also handed over by him to the accused. He stated that he called his friend (Vicky), who arranged for a further sum of ₹10 lakhs and the same was also paid to the accused.
5. The FIR is not clear as to the role of the petitioner in the present case, however, the subsequent statements of the complainant indicate that she is the woman who appears without clothes along with the complainant in the video clip and photographs prepared/taken by the other accused. The complainant has identified the petitioner as the woman in the video clips and states that she was also present at the time of the incident.
6. Mr Gupta, learned APP states that she had been declared proclaimed offender in another FIR as well as in the present FIR and had been arrested. He submits that one of the co-accused is also absconding and there is every likelihood that the petitioner would evade the proceedings.
7. In the present case, charges are yet to be framed but the charge sheet and supplementary charge sheet has been filed. The same indicates that the call details, mobile phones and other incriminating evidence have been collected by the investigating agency. This Court is informed that there are fifteen accused and it is unlikely that the trial, if commenced, would be completed shortly.
8. There is no material to believe that there is a real risk of the petitioner tampering with the evidence or influencing the witnesses. There is some risk of the petitioner absconding and avoiding the proceedings, but the same can be mitigated by ensuring that atleast two persons stand as sureties for her.
9. In the given circumstances, no purpose would be served in retaining

the petitioner in custody. This Court considers it apposite that the petitioner be released on bail on her furnishing a Personal Bond in the sum of ₹50,000/- with two sureties of the like amount to the satisfaction of the concerned Duty Magistrate/trial court. It is so directed. This is also subject to the following further conditions:-

- a) the petitioner shall provide a contact number and ensure that she is reachable on it at all times;
- b) the petitioner shall ensure that she reports any change in address to PS Prashant Vihar prior to her leaving her current address;
- c) the petitioner shall mark her presence before the concerned police station (PS Prashant Vihar) on Monday of every other week (alternative weeks);
- d) the petitioner shall not leave the National Capital Territory of Delhi;
- e) the petitioner shall ensure that she is present at all hearings; and
- f) the petitioner shall not either directly or indirectly contact the complainant or any of the witnesses.

10. The petition is allowed in the aforesaid terms.

11. A copy of this order be communicated to the concerned Jail Superintendent electronically.

VIBHU BAKHRU, J

AUGUST 06, 2020
MK