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

% **Date of Decision: 03.03.2020**

+ **BAIL APPLN. 1484/2019**

VIKAS SHARMA @ VIKAS BHARDWAJ

..... Petitioner

Through: Ms. Jhum Jhum Sarkar and
Mr. Pardeep Sharma,
Advocate.

Versus

STATE

..... Respondent

Through: Mr. G.M.Farooqui,
APP for State with ASI
Sudesh Kumar PS:
Kanjhawala.

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 439 Cr.P.C. read with Section 482 Cr.P.C. on behalf of the petitioner Vikas Sharma @ Vikas Bhardwaj in FIR No. 524/2018 u/s. 498A/406/506/34, 354/377 IPC, PS Kanjhawala.

2. Ld. Counsel for the petitioner has prayed for bail on the

ground that petitioner is innocent and has been falsely implicated. Petitioner is in custody since 25.05.2019 when he surrendered before the police. It is submitted that the Section 377 IPC is vague and omnibus as this section was added on 25.01.2019 after Ld. ASJ granted interim protection to the petitioner on 16.01.2019 and police did not carry out any free and fair investigation in the matter. All the valuables are already in custody of the complainant. It is further submitted that the petitioner has already surrendered and had fully co-operated with the investigating agency. It is, therefore, prayed that petitioner be granted bail in the interest of justice.

3. The bail application is opposed by the Ld. APP for the State on the ground that the allegations against the petitioner are serious in nature. Petitioner has forcefully performed unnatural sex with his wife. He also made video of the same and threatened the complainant to circulate it. He has, therefore prayed for dismissal of the bail application.

4. I have considered the rival submissions. As per prosecution version, on the enquiry report of CAW Cell/Rohini District, conducted on the complaint of complainant, present FIR bearing no.

524/2018 u/S. 498A/406/506/34 IPC was registered at PS Kanjhawala. During the course of investigation, statement of complainant under Section 164 Cr.P.C. was got recorded in which she had made allegations of oral/unnatural sex against her husband (petitioner herein) and for molestation against her father-in-law. Complainant also alleged that her husband had made video of oral/unnatural sex with her on his mobile and threatened her to circulate them. Hence, Section 377 IPC/354 IPC was added in the present case. Petitioner was arrested on 25.05.2019 and he disclosed that he had sold his mobile, however, at his instance all the data which was saved in a memory SD card was recovered from his house and seized. Petitioner has not co-operated in the investigation and has not handed over the *istridhan* articles as per list to the complainant.

5. In view of the above facts appearing on record and keeping in view the allegations levelled against the petitioner that he has committed unnatural sexual intercourse with the complainant and also made video of the same and threatened the complainant to circulate it, no grounds for bail are made out. The bail application

is, therefore, dismissed and stands disposed of accordingly.

BRIJESH SETHI, J

MARCH 3, 2020

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