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

+ **BAIL APPLN. 2055/2019**

PRINCE SINGH @ PRINCE KUMAR Petitioner
Through **Mr. Amit Sharma, Mr. Abhir Datt,**
Mr. Tapan, Mr. Aditya Bhardwaj and
Mr. Anurag, Advs.

versus

STATE Respondent
Through **Mr. Hirein Sharma, APP for State**
W/SI Prema, PS Shakarpur
Ms. Anu Narula, Adv. for
complainant with complainant in
person

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
ORDER
% **05.02.2020**

Vide the present petition, petitioner seeks anticipatory bail in the event of his arrest in FIR No. 189/2019 dated 06.07.2019 registered at Police Station – Shakarpur for offence punishable under Section 376 IPC.

As per the case of the prosecution, prosecutrix made a written complaint to the SHO of P.S. Shakarpur on 06.07.2019 and on the basis of that the present FIR has been registered wherein stated that she had received a friend request from facebook account of petitioner and she accepted his friend request. Thereafter, they started chatting with each other through messenger and therefore friendship developed between them.

Learned counsel for petitioners submits the alleged incident took

place on 10.01.2019 but FIR was registered on 06.07.2019 after an unexplained delay of six months. There is no medical document to support the averments of complainant. Moreover, there is no public or independent witness to substantiate the allegation of complainant. Even after an alleged incident, complainant was in touch with petitioner through phone calls for about one week. But when petitioner blocked her she got annoyed and registered a false complaint against petitioner. The mobile phone numbers 7827315734, 8949687692, 8650602220, 9001887291 and 7014453323 belongs to complainant and her family members and the CDRs of above mentioned numbers will bring truth before this Court.

He further submits that complainant is a major one and she knows how to take innocent persons into her clutches and extort money from them. She is a resident of Jaipur and for what purpose she came to Delhi. Moreover, she is a married lady and having two children.

Learned counsel for complainant submits that petitioner booked a lounge on 10.01.2019 at Laxmi Nagar School Zone and he developed a physical relation with complainant in that lounge. He not only compelled complainant to have sexual intercourse with him but also took her objectionable photographs and videos. Moreover, he also share those photographs and videos with common friend of petitioner and complainant namely Rohit who informed complainant about the same.

Learned counsel for complainant further submits that she called petitioner after that incident only for requesting him not to publish her photos, videos or photographs on social media and also not to share the same with any friend. Petitioner belongs to fearless family, therefore, under fear the complainant was continuously in touch with petitioner after an

alleged incident. If the bail is granted to the petitioner, he may influence the witnesses and temper with the evidence.

Learned APP has informed this Court that chargesheet is at advance stage and same would be filed under Section 376 IPC against petitioner. Petitioner has joined the investigation twice and no further investigation is required in the present case.

It is not in dispute that complainant is married lady and instead of having two children she developed friendship through facebook with petitioner. Moreover, she herself visited Delhi and met petitioner where an alleged incident has taken place.

However, without commenting upon the merits of the case and the fact that investigation is complete and petitioner is further not required for investigation. I hereby direct the SHO/ Arresting Officer/IO concerned that in the event of arrest the petitioner/ applicant be released on bail on the following terms and conditions:-

- (i) That the petitioner shall furnish a personal bond in the sum of ₹25,000/- with one surety in the like amount subject to the satisfaction of Arresting Officer/SHO/IO concerned;
- (ii) That the petitioner shall cooperate with the investigation and make himself available for interrogation by police officer, as and when required;

In case of default of aforementioned conditions, the State is at liberty to take appropriate recourse in accordance with law.

Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the case.

The Trial Court shall not get influenced by the observations made by this Court, while passing the final orders in the trial.

Application stands allowed and disposed of.

Order dasti.

SURESH KUMAR KAIT, J

FEBRUARY 05, 2020

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