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

+ **BAIL APPLN. 2197/2019**

RAKESH KUMAR @ NONI LAL GUPTA Petitioner

Through Mr.Avdhesh Kr. Singh, Adv. with
Mr.Vimal Tripathi, Mr.Rajendra Kr.
Singh, Mr.Rajesh Kr. Singh &
Mr.Abhishek Gupta, Advs.

versus

STATE (GOVT. OF NCT OF DELHI) Respondent

Through Mr.Amit Chadha, APP for State.
SI Asha PS Kirti Nagar.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **17.02.2020**

The present petition is filed under section 439 Cr.P.C. for grant of bail in pursuance to FIR No.180/2018 registered at Police Station Kirti Nagar for the offences punishable under section 328/354-C/376/506/509 IPC.

Case of prosecution is that petitioner visited residence of prosecutrix on 26.01.2017 in absence of her husband and offered her cold drinks laced with some sedative. After consumption of which, she became unconscious. On regaining her consciousness, she realised that she was lying without any clothes on her body. She was told by petitioner that during her unconsciousness, he had managed to establish physical relations with her. Petitioner further told her that he has taken some photographs of their physical intimacy. He threatened her that he will disclose this fact to her

husband and will also publish those intimate photographs on Facebook and Whatsapp, in the event, she fails to satisfy his demands. Under this threat perception, she was sexually exploited/abused on three occasions: at a local hotel namely City Heart Hotel at Paharganj New Delhi and once at her residence. Finally, she revealed all this to her husband in the month of October, 2017 after Diwali festival. When her husband tried to intervene, petitioner started sending/sharing her photographs on prosecutrix's husband mobile phone. Once again, on 01.01.2018, she was molested under this threat by petitioner at her residence.

Counsel for petitioner submits that petitioner had friendship with prosecutrix which gradually converted into an intimate relationship between them, however, when it came to the notice of husband of prosecutrix, she made complaint and present FIR has been lodged. Photographs at page 108 dated 05.01.2018 & at page 109 dated 25.01.2018 establish that they have intimacy with each other.

It is not in dispute that petitioner is in judicial custody since 22.05.2018. Moreover, the photographs speak so much.

However, without commenting upon merits of the case, I am of the view that present case is fit for bail. Therefore, petitioner shall be released on bail on his furnishing personal bond in the sum of ₹25,000/- with one surety of the like amount to the satisfaction of the Trial Court.

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.

The present petition is, accordingly, allowed and disposed of.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for compliance.

Order *dasti* under the signatures of Court Master.

SURESH KUMAR KAIT, J

FEBRUARY 17, 2020

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