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

+ **BAIL APPLN. 2949/2019 & CRL.M.(BAIL) 2083/2019**

RAJINDER KUMAR @ RAJU Petitioner
Through **Mr. Anil Soni, Adv.**

versus

STATE (GOVT. OF NCT OF DELHI) Respondent
Through **Mr. Amit Chadha, APP for State with**
SI Renu, PS Bhajanpura

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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03.03.2020

1. The present petition is filed by applicant/petitioner under Section 438 Cr.P.C. read with Section 482 Cr.P.C. for grant of anticipatory bail in case FIR No.405/2019 for offences punishable under Sections 376/384/506 IPC registered at Police Station Bhajanpura.
2. Case of prosecution is that since petitioner was a friend and business partner with complainant's husband, he was known to complainant as well and he used to visit their house quite often. In the year 2012, some dispute arose in the married life of complainant, petitioner being a family friend acted a mediator to resolve dispute between them. As per allegations in FIR, in month of December, 2013, petitioner took complainant to a flat in C-Block, Yamuna Vihar under impression that petitioner wanted complainant to meet one of his friends who would help her in resolving her matrimonial dispute. Petitioner took advantage of her emotional state and established physical relations with her. Complainant was absolutely unaware of the fact

that petitioner had captured the entire act on his mobile phone which he had hidden in the room. After the said incident of December, 2013, petitioner started blackmailing complainant that he would publish the said videos if she reports the matter to police. Petitioner made relationship with complainant by threatening her with the said videos from the year 2013 to 2019 and further captured various videos of complainant against her wish.

3. It is also alleged that petitioner extorted money from her by using said videos and photos. In the year 2014, complainant got pregnant and petitioner forced her to abort the child. However, a girl child (second child of the petitioner) was born on 12.7.2018, out of her relationship with petitioner and husband of complainant was made father of that child in order to save complainant from shame.

4. Learned counsel appearing on behalf of petitioner submits that FIR itself states that complainant has re-united with her husband who is suffering from Cancer and is the only male member in her family. It is apparent from the said statement that complainant was in dire need of money and a male support and has thereby falsely implicated petitioner in the present case with a malicious intention of inducing him to transfer his property and valuable security in her name and to fulfill her unwarranted sexual desires.

5. It is further submitted that petitioner was granted interim bail by learned Additional Sessions Judge vide order dated 12.9.2019. He co-operated with Investigation Officer (IO) during the pendency of his bail application and has also handed over his mobile phone to IO and the said fact has been recorded in order dated 12.9.2019. IO has also collected other material evidence including transcript of conversation between petitioner and complainant from petitioner and now nothing is required to be recovered

from him.

6. It is further submitted that complainant, on various occasions, has intimidated petitioner either to accept her as his legally wedded wife and transfer his property in her name or else she would fabricate him in various false cases including for the offence of rape. Therefore, petitioner herein is the real victim at the hands of complainant.

7. In addition to above, complainant has been extorting money from petitioner on one pretext or other which is evident from the bank statement of petitioner. True copy of bank statements of the petitioner, bills evidencing payments made by petitioner for complainant, passbook of one of the bank accounts of complainant are annexed.

8. Vide order dated 28.1.2020 passed by this Court, learned counsel for petitioner produced some transcriptions of recorded conversation dated 17.6.2019 between petitioner and complainant (duration of 22 minutes and 23 seconds). In the said transcription, complainant acted violently, used vulgar and abusive language with petitioner which is not worth mentioning, and asked him to fulfill her sexual desires and also to extort money/property. Transcription recording of conversation between petitioner and complainant has been handed over to IO which has been sent to FSL for examination.

9. In addition to above, petitioner had already handed over his mobile set to IO and the same was also sent to FSL.

10. Keeping in view facts recorded above and without commenting on merits of the prosecution case which is subject matter of trial, this Court is of the considered view that the present case is fit for anticipatory bail.

11. Accordingly, SHO/ Arresting Officer/IO concerned, is hereby directed that in the event of arrest, petitioner shall be released on bail on the

following terms and conditions:-

(i) Petitioner shall furnish a personal bond in the sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of Arresting Officer/SHO/IO concerned;

(ii) Petitioner shall cooperate with the investigation and make himself available for interrogation by police officer, as and when required;

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

13. 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.

14. Petition stands allowed and disposed of. Pending application stands disposed of.

15. Order dasti under signatures of the Court Master.

16. Copy of this order be transmitted to SHO/IO concerned for necessary compliance.

SURESH KUMAR KAIT, J

MARCH 03, 2020/rk