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

+ BAIL APPLN. 3177/2019

KARAN CHANDELA

..... Petitioner

Through: Mr.Anupam Sharma, with Mr.Pankaj Chaudhary, Mr.Apoorv Bansal, Mr.Prakarsh Airan and Mr.Parikshih Sharma, Advocates.

versus

STATE

..... Respondent

Through: Dr.M.P.Singh, APP for State along with Insp. Gursewak Sinh and SI Anshu Kadian, P.S. Tilak Nagar, Delhi.
Mr.R.N.Sharma, Advocate for the complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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27.01.2020

1. The present bail application has been filed under Section 438 read with Section 482 Cr.P.C. on behalf of the petitioner seeking anticipatory bail case FIR No.476/2019, registered under Section 306 IPC at Police Station Tilak Nagar, Delhi. On the basis of the statements given by the witnesses, Section 376 IPC was also added.

2. Learned counsel for the petitioner has extensively referred to the chat messages exchanged between the deceased and the present petitioner to submit that they were in a long consensual physical relationship. He further submitted that the FIR was registered on the statement of the mother of the deceased. In the complaint, the mother of the deceased had stated that one of

the friends of the deceased, namely, Simran had provided her the information about the offence committed by the petitioner. He also submitted that subsequently Simran had addressed a letter/application dated 28.11.2019 to the SHO of the concerned Police Station, that is, after a gap of two months of recording of her earlier statements under Sections 161 and 164 Cr.P.C., stating that the earlier statements made by her were under coercion and pressure put from the side of the complainant. He further submitted that the deceased had met the petitioner in SilverKey Executive Hotel out of her own will. He further submitted that the petitioner has already provided his mobile phone to the Investigating Officer.

3. Per contra, Dr.M.P.Singh, learned APP for the State, duly assisted by the learned counsel for the complainant, has vehemently opposed the bail application. He submitted that the deceased was 19 years of age. He also read through the chat messages exchanged between the deceased and the present petitioner which were three days prior to her death to show that the petitioner had put enormous pressure on the deceased to make her agree to establish physical relations with him. He further submitted that during the pendency of anticipatory bail application, the petitioner was granted interim protection by the Sessions Court from 18.11.2019 to 03.12.2019 and during this period, the above-mentioned friend of the deceased, namely, Simran had filed the aforesaid application which shows that the present petitioner has pressurised her to file such application. He further submitted that statements of two other friends of the deceased, namely, Geetali and Savgun have also been recorded under Section 164 Cr.P.C., wherein they have stated about the blackmailing, torture and rape of the deceased by the present petitioner. He

also submitted that the petitioner is also involved in two other FIRs bearing FIR No.437/2018, under Sections 452/323/34 IPC and FIR No.84/2018, under Sections 323/341/427/452/506/34 IPC. The mother of the deceased has also lodged an FIR bearing No.283/2019 on 18.11.2019, under Sections 323/354/506/34 IPC against the family members of the petitioner.

4. I have heard the learned counsels for the parties and perused the records.

5. In the present case, the deceased committed suicide on 19.09.2019. She was found hanging at her house. It has come on record that the deceased had visited the petitioner in Silverkey Executive Hotel, Paschim Vihar, where they had stayed from 4:36 p.m. to 5:40 p.m. The deceased had committed suicide within an hour of checking out from the aforesaid hotel. Before checking in and checking out from the said hotel, the deceased had spoken to her friend Simran, who, in her statements recorded under Section 161 Cr.P.C. on 20.09.2019 and under Section 164 Cr.P.C. on 24.09.2019, had stated about the pressure put by the petitioner to make physical relations with her. It is apparent from the record that Simran had withdrawn her statement during the period the petitioner was released on interim bail.

6. Even otherwise, de hors the statement of Simran, after going through the chat messages exchanged between the deceased and the petitioner, it is apparent that the petitioner was using very abusive and filthy language against the deceased. The previous consensual physical relationship, even if assumed to be true, would not justify the extent of pressure put by the petitioner on the deceased for establishing physical relations with him. From

the chat messages placed on record by the learned APP for the State, it is apparent that the deceased was not inclined to have physical relations with the petitioner, who continuously harassed her for the same. The Investigating Officer has seized the laptop, mobile phone and vaginal swab and the other exhibits which have been sent to FSL and the report in respect thereof is still awaited.

7. In the totality of facts and circumstances, I do not deem it to be a fit case for grant of anticipatory bail to the petitioner. The bail application is accordingly dismissed. Needless to state that anything stated hereinabove is only a prima facie view to decide the present bail application and nothing contained herein be read as an expression of opinion on the merits of the case.

MANOJ KUMAR OHRI, J

JANUARY 27, 2020

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