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

% ***Date of Decision: 21.03.2024***

+ **BAIL APPLN. 1021/2024**

SURESH GAUTAM

..... Petitioner

Through: Mr. Anuj Jain, Ms. Saloni Gupta
& Ms. Khushboo Jindal,
Advocates.

versus

STATE GOVT. OF NCT OF DELHI & ANR. Respondents

Through: Mr. Naresh Kumar Chahar, APP
for the State with ASI Ravinder
Singh, P.S. NIA, Delhi.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARNA KANTA SHARMA, J. (ORAL)

CRL.M.A. 8963/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present application under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C. ') has been filed by the applicant seeking grant of regular bail in case arising out of FIR No. 0027/2022, registered at Police Station Narela Industrial Area, Delhi, for offences punishable under Sections 306/354/354A/201/34 of the



Indian Penal Code, 1860 (‘IPC’).

4. Issue notice. Mr. Naresh Kumar Chahar, learned APP accepts notice on behalf of the State.

5. Brief facts of the case are that the complainant, who is the mother of the deceased, had filed a complaint with the Police, that her daughter, who was serving in Civil Defence Services and was posted in Vaccination Centre at the SDM Office, Naya Bans was sexually harassed by the accused herein, who was the In-Charge of the Centre. The deceased was really upset and then one day, the accused had deliberately sent the remaining staff from the Office, but had retained the deceased ‘S’, and he had forcibly tried to kiss her. She had written the entire incident and his conduct in her register and had handed-over the same to the co-accused Vikram. Vikram had ensured that he would give the statement to the SDM concerned. However, the co-accused Vikram had torn the paper in which names of 07 persons were mentioned. This fact was disclosed by the deceased before her death to her mother. On these facts and circumstances, the police had registered a case under Section 306/34 of IPC.

6. Learned counsel for the present accused/applicant argues that the applicant has been falsely implicated in this case and that all the witnesses in this case have been examined. It is argued that since all the witnesses have been examined, there is no likelihood of the present applicant influencing any witness or tampering with witness. It is also stated that there is nothing incriminating on record to connect the applicant with the alleged offence, and therefore, he be released on



regular bail.

7. Learned APP appearing on behalf of the State, on the other hand, opposes the present bail application and argues that the allegations against the applicant are very serious and that there is statement of the mother of the deceased which reflects that the applicant was harassing the deceased. It is also stated that the case is now listed for recording the statement of the accused under Section 313 of Cr.P.C. on 28.03.2024 and the trial is likely to be concluded, and therefore, the present bail application be rejected.

8. This Court has heard arguments addressed by both the parties and has also perused the material on record.

9. As per the prosecution's story, including FIR and the statement of the mother of the deceased, the allegations against the present applicant are that he had sexually harassed the deceased, due to which she was very upset.

10. A perusal of the record reveals that on 05.01.2022, on receipt of a PCR call, the Police had reached the spot where it was found that the deceased 'S' had hanged herself. The matter was investigated. As per the statement of the mother of deceased, the present applicant was sexually harassing his daughter and 7-8 days prior to the incident in question, the accused had sent all staff members for performing other duties and had tried to kiss her forcibly. However, somehow she had escaped and had come outside the office. She had written down about the incident on paper, on which names of 07 persons were mentioned. She had kept the handwritten page, along with the register in co-



accused Vikram's bag. The bag was small and therefore, the register could not fit inside the bag. Accused Vikram had read about incident and instead of forwarding it to the higher authorities for initiating legal action against the alleged person, he had threatened the deceased that he would disclose the incident to all the staff members, working in the office. During the course of the investigation, it was revealed that when co-accused Vikram had torn her complaint, she had got very disturbed had come back home and committed suicide.

11. Therefore, at this stage, it is apparent that the incident in question had taken place in the office of the deceased and the day she had come to know that the paper on which she had written her complaint had been torn by the co-accused, and further when she was threatened that he will disclose it to all staff members, she had got very upset, had come home and had committed suicide.

12. Considering the same, this Court is of the opinion that the allegations against the present applicant are of serious nature as he had forcibly tried to kiss the deceased with sexual intent, which had ultimately led to her committing suicide. The trial is likely to conclude within two months since the case is listed on 28.03.2024, for recording statement of the accused. In view thereof and considering the gravity of offence, this Court is not inclined to grant regular bail to the accused, at this stage.

13. However, learned Trial Court is requested to conclude the trial within two months from receipt of copy of this order, considering that the matter is listed for recording of statement of the accused on



28.03.2024. It is pertinent to mention that the parties will not seek unnecessary adjournments before the learned Trial Court.

14. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

15. The bail application stands rejected and accordingly disposed of.

16. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 21, 2024/at