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

+ **BAIL APPLN. 3556/2021**

MANOJ KUMAR

..... Petitioner

Through: Mr. Manoj Chaudhary and Mr. Vipul Chaudhary, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms. Richa Dhawan, APP for State with Insp. Josepha Kujur, CAW Cell, ISWD and SI Pinki Rana, PS: Malviya Nagar.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

12.03.2024

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1. This is an application filed on behalf of the Applicant under Section 438 Cr.P.C. read with Section 482 Cr.P.C. seeking anticipatory bail in case FIR No. 467/2021 dated 03.08.2021 under Sections 376/506 IPC registered at PS: Malviya Nagar.

2. Status report has been filed. It is the case of the prosecution that the Complainant, who is a lady Constable in Delhi Police, alleged that while she was posted at PS: Hauz Khas, Applicant harassed her sexually and mentally and on the fateful night, the Applicant while attending the PCR call, took her to his residence on the pretext of taking some important stuff and gave her a cold drink, due to which she became disoriented and unconscious. When she woke up, she found that he had raped her and threatened to viral the photographs he had taken. After the FIR was registered, Complainant was



taken for medical examination as well as to the Counsellor. On 13.08.2021, Applicant joined investigation and surrendered his mobile phone, which on analysing did not contain any obscene photograph of the Complainant. The phone has been seized vide a Seizure Memo and has been sent to FSL for forensic examination. Applicant also produced a pen drive containing his picture with the Complainant and three videos of chats between him and the Complainant, which only revealed a routine conversation. CDRs of the mobile phone have been obtained and a total of 269 voice and text interactions have been found between the Applicant and the Complainant from December, 2020 till registration of the FIR. Screenshots of WhatsApp conversations have been handed over by the husband of the Complainant and have been examined. In the updated status report, it is stated that charge sheet has been filed for offences under Section 376/506 IPC.

3. Learned counsel for the Applicant submits that Applicant is innocent and has been falsely implicated. There is a delay of more than 2 years in lodging the complaint which led to the registration of the present FIR and this is despite the fact that Complainant is an educated lady and in a position to take a decision if any wrong has been committed on her. Applicant has joined investigation and is fully co-operating therein. He has handed over the mobile phone and the pen drive etc. as directed by the IO, which in fact point to the fact that no obscene/nude photographs of the Complainant were taken by the Applicant, as alleged by her. No recovery is required to be made, as investigation is complete and charge sheet has been filed. In fact, the evidence of the prosecutrix has been recorded and therefore, there is no chance of the Applicant threatening the prosecutrix or influencing her. Applicant is a government servant and there is no likelihood of his fleeing



from justice or tampering with evidence. Applicant has been under interim protection granted by this Court on 28.09.2021 and till date, there are no allegations in the status report that he has tampered with evidence or threatened or intimidated the prosecutrix or any other person associated with the present case. It is thus prayed that anticipatory bail be granted subject to whatever terms this Court may impose.

4. Learned APP for the State, relying on the status report, submits that investigation is complete and charge sheet has been filed. She further states that evidence of the prosecutrix stands recorded and only formal witnesses remain to be examined.

5. Heard learned counsels for the parties.

6. Perusal of the status report shows that Applicant has been joining and co-operating in the investigation. Mobile phone, pen drive etc. have been handed over to the IO and have been sent for forensic examination. It is stated that nothing obscene has been recovered from the mobile phone and/or the pen drive. Charge sheet has been filed and as stated by the learned APP, evidence of the prosecutrix stands concluded and only formal witnesses remain to be examined. It is not the case of the State that the Applicant has misused the interim protection granted to him by this Court on 28.09.2021 in any manner whatsoever. Custodial interrogation is also not required at this stage of the trial. Material witness/prosecutrix has been examined. In the given facts and circumstances, present application deserves to be allowed. It is accordingly directed that in the event of arrest, Applicant shall be released on bail, subject to furnishing a personal bond in the sum of Rs.30,000/- with two sureties of the like amount, to the satisfaction of the concerned Trial Court and further subject to the following conditions:-



- i. Applicant shall not leave the country without prior permission of the Trial Court;
 - ii. He shall furnish his mobile number to the IO and keep the same active at all times and shall not change the mobile number without prior intimation to the IO and the Trial Court;
 - iii. He shall appear before the Trial Court on the dates of hearing and/or for any further investigation, as and when directed by the IO;
 - iv. He shall not, directly or indirectly, indulge in any illegal activity or extend any inducement, threat or promise to the prosecutrix or any other witness associated with the present case; and
 - v. He shall furnish his current residential address to the IO and intimate any change in the same to the IO and the Trial Court by way of an affidavit.
7. Application stands disposed of in the aforesaid terms, making it clear that this Court has not expressed any opinion on the merits of the case.

JYOTI SINGH, J

MARCH 12, 2024/shivam/KA