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

+ **BAIL APPLN. 3358/2022 and CRL.M.(BAIL) 1384/2022**

SUMIT KUMAR SINGH

..... Petitioner

Through: Mr. Ankur Yadav, Mr. Nitin Singh,
Mr. Kuldeep Yadav, Mr. Shashank
Shekhar, Mr. Apoorva Singh &
Mr. Krishna Kumar Yadav,
Advocates.

versus

THE STATE & ANR.

..... Respondents

Through: Ms. Richa Dhawan, APP for the State
with SI Divya Gehlot, PS:Kishan
Garh.
Mr. Hemant Kumar, Advocate for the
Complainant/R-2 with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

21.02.2024

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1. This application has been filed by the Petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.0438/2022 dated 13.09.2022, registered under Section 376/ 377/ 506 IPC at PS: Kishan Garh.
2. By order dated 14.11.2022, interim protection was granted to the applicant against arrest taking into account that he was protected even before the Trial Court and there was no allegation of his having misused the liberty granted.
3. During the pendency of this petition, allegations were made and complaints were received from the prosecutrix that threats were being



extended to her and obscene photographs were being sent. These complaints were investigated and updated Status Report has been filed.

4. As per the updated status report dated 15.01.2024, filed on behalf of the State, in continuation of the status report dated 20.07.2023, it is stated that interim protection was granted to the Applicant and he has now joined investigation. During investigation on 31.03.2023, Victim had filed a written complaint at PS: Kishan Garh alleging that the Applicant is threatening and pressurising her to withdraw the case. She also complained that she had received photographs from mobile number 9801219729 and calls from 4 mobile numbers 9801219729, 7880473465, 8573055319 and 9369848993.

5. During investigation, photographs provided by Complainant were checked, in which objectionable photographs of the Applicant and some girl were found. These photographs were received from mobile number 9801219729. The ownership of mobile number 9801219729 was found in the name of Krishna Ram and the location of this mobile number was found at Bharatpur. The mobile number was, however, found switched off. During investigation, ownership of mobile number 9369848993 was found in the name of Applicant and on analysis of Call Details Record, no incoming or outgoing calls between Victim and Applicant's numbers were found. It is further stated that on 15.12.2023 Applicant joined investigation and was interrogated regarding allegations mentioned in the complaint. He stated that on 12.03.2023, his mobile phone & mobile data were hacked and he had received some nude photos (edited with his face and with another girl) and messages from mobile number 9801219729, and he was threatened and a sum of Rs.2,00,000/- were demanded from him. A complaint was also filed by him with the Cyber Police Station, Prayagraj, UP. Applicant



categorically stated that he did not contact the Victim. During investigation, ownership of mobile number 7880473465 was found in the name of Sadhna, who was also resident of UP. On analysis of Call Details Record, no incoming or outgoing calls between Victim's number and this number were found. On 12.01.2024, Victim has categorically stated on enquiry from her that Applicant has not contacted her after the complaint was made.

6. Ms. Richa Dhawan, learned APP for State relying on the status report and on instructions from the IO, who is present in Court, states that the Applicant has joined investigation and is cooperating. No further complaint has been received from the prosecutrix and a statement to that effect also finds mention in the status report. Charge sheet has been filed and the next date of hearing before the Trial Court is 27.03.2024. Prosecutrix also states that she has not received any threatening calls or obscene photographs.

7. Applicant was granted interim protection by the Trial Court, while the matter was pending before the Trial Court and the interim protection was continued by this Court vide order dated 14.11.2022. It is the categorical stand of the State that Applicant has since joined investigation and is cooperating and there are no allegations of threat or intimidation after the last complaint was received from the prosecutrix, which stands verified and closed, after no evidence was found against the Applicant.

8. In view of the above, in my view, the Applicant satisfies the triple test for grant of anticipatory bail in terms of the judgment of the Supreme Court in *P. Chidambaram v. Directorate of Enforcement*, (2020) 13 SCC 791. It is also not the case of the State that the custodial interrogation of the Applicant is required.



9. In view of these facts & circumstances, it is directed that in the event of arrest, Applicant shall be released on bail, subject to his furnishing a personal bond in the sum of Rs.25,000/- with two sureties of the like amount, to the satisfaction of the learned Trial Court, if not already furnished, and further subject to the following conditions:-

- (i) Applicant shall not leave the country without permission of the Trial Court and shall ordinarily reside at the address given in the Trial Court record; any change in residential address shall be with advance intimation to the Trial Court and the IO by way of an affidavit;
- (ii) He shall appear before the Trial Court as and when the matter is taken up for hearing;
- (iii) He shall provide his mobile number to the IO and shall keep the same active at all times. Any change in mobile number will be with after prior intimation is given to the IO;
- (iv) He shall report to the IO once every month on third Saturday at 02:00 P.M., till any further order to the contrary; and
- (v) He will not come in contact with the Complainant/Prosecutrix in any manner whatsoever and/or make attempts to make any calls to her.
- (vi) In case Applicant violates any of the above condition of Bail, the State and/or the Prosecutrix will be at liberty to seek cancellation of the Bail.

10. Bail Application stands allowed and disposed of in the aforesaid terms. Pending application also stands disposed of.



11. Nothing expressed herein shall tantamount to an expression of opinion on the merits of the case.

12. Copy of the order will be sent to the concerned SHO for information and necessary compliance.

JYOTI SINGH, J

FEBRUARY 21, 2024

B.S. Rohella