

(2017) 12 DEL CK 0176

In the Delhi High Court

Case No : Bail Application No. 2394 Of 2017

Rani

APPELLANT

Vs

State Of Nct Of Delhi

RESPONDENT

Date of Decision : 06-12-2017

Acts Referred:

Indian Penal Code, 1860 — Section 34, 332, 365, 377, 379, 387, 506
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2017) 12 DEL CK 0176

Hon'ble Judges : Sangita Dhingra Sehgal, J

Bench : Single Bench

Advocate : Arpit Bhalla, Mukesh Kumar

Final Decision : Dismissed

Judgement

Sangita Dhingra Sehgal, J

1. The present application has been filed under Section 439 of Cr.P.C. seeking Regular Bail in case FIR No. 170/2017 under Section 365/387/377/379/506/332/34 Indian Penal Code, 1860, registered at Police Station Baba Haridas Nagar, New Delhi.

2. The instant case was registered on the complaint of the Ramesh Khatri alleging that on 28.08.2017 at about 9: 00 PM he received a call from the applicant to meet her at Nangloi Stand, Najafgarh; that the complainant reached there in his car and the applicant sat on the front seat in the car and asked the complainant to accompany her to her house; that when he refused, two other co-accused came and sat on the rear seat and compelled the complainant to drive on their directions whereas two other co-accused followed them on bike; that accused persons forcibly took the complainant to a rented accommodation where he was confined and beaten up by accused persons; that one of the accused person had unnatural sex with the complainant, videographed the incident and the accused persons including the applicant demanded Rs. 23 Lacs on the ground

that they would upload the said video on social media and defame him if their demand is not fulfilled; that the complainant was robbed of Rs. 85,000/-, ATM card, PAN card and a gold ring which were lying in his car.

3. Mr. Arpit Bhalla, learned counsel for the applicant has contended that the applicant has been falsely implicated in the present case; that there is an unexplained delay of 3 days in reporting the incident to the police; that there is no medical report to support the claim of the complainant; that the allegation under section 377 IPC unnatural sex as alleged by the complainant does not constitute against the applicant; that the incident occurred in a crowded place which suggests that the complainant has voluntarily accompanied the applicant; that the complainant himself stated in the FIR that gold ring, cash and ATM were lying in his car which shows that the allegation of stealing these articles is a part of the concocted story of the complainant.

4. Learned APP for the State opposed the regular bail application and submits that the applicant is actively involved in the present case along with other co-accused; that the applicant also denied to join the TIP proceedings; that the gold ring was also recovered from the possession of the applicant which points towards her involvement in the commission of the crime.

5. I have heard the submissions made on behalf of both the sides and also gone through the material placed before this Court.

6. From perusal of the record, it transpires that the robbed gold ring of the complainant was recovered from the possession of the applicant; that she refused to join the TIP proceedings; that the applicant handed over the mobile phone allegedly used for extorting money, to co-accused Sandeep @ Rinku, who is a habitual offender of such crimes; that Call Details Record of the mobile phone which is allegedly used for making call depicts the location of Kunwar Singh Nagar where co-accused Sandeep @ Rinku, Delhi resides which goes to show that the accused persons had conspired to extort money from the complainant.

7. Furthermore, there was no denial on behalf of the applicant that she was present in the car at the time of alleged commission of crime. As per the FIR, abduction was done in her presence and she never reported the incident to the police.

8. Considering the nature and gravity of the offence, this Court is not inclined to grant the regular bail to the applicant in this case and the present application is dismissed.

9. Before parting with the aforesaid order, it is made clear that anything observed by this Court in the present application shall not have any bearing on the merits of the case during trial.