

(2020) 03 DEL CK 0195
In the Delhi High Court
Case No : Bail Application No. 201 Of 2020

Sachindra Priyadarshi

APPELLANT

Vs

State (Nct) Of Delhi

RESPONDENT

Date of Decision : 18-03-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164, 439
Indian Penal Code, 1860 — Section 323, 328, 376, 506

Citation : (2020) 03 DEL CK 0195

Hon'ble Judges : Brijesh Sethi, J

Bench : Single Bench

Advocate : Gopal Jha, Shreyash Bhardwaj, G.M.Farooqui

Final Decision : Dismissed

Judgement

Brijesh Sethi, J

1. Vide this order, I shall dispose of a bail application filed under section 439 Cr.P.C on behalf of the petitioner Sachindra Priyadarshi in FIR No. 387/2019 u/s. 328/376/323/506 IPC, PS Mandawali Fazalpur.

2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated. Petitioner is in custody since 21.12.2019. There is no absolutely no material available to connect the petitioner with the commission of offence. It is submitted petitioner has been falsely implicated by the prosecutrix as petitioner's marriage has been fixed and finalized by his parents which annoyed the prosecutrix and this fact is evident from the chat and conversation between the petitioner and prosecutrix. It is further submitted that there was no physical relationship between the prosecutrix and petitioner and no promise for marriage was ever made by the petitioner. Exchange of messages between the victim and petitioner does not suggest that victim was under threat. Police has completed the investigation and custodial interrogation of the petitioner is not required. It is, therefore, prayed that

petitioner be released on bail in the interest of justice.

3. Ld. Counsel for the petitioner, in support of its submissions, has relied upon the following case law:-

- a. Pramod Suryabhan Pawar v. State of Maharashtra & Anr., (2019) 9 SCC 608;
- b. Rohit Chauhan v. State of NCT of Delhi, 2013 SCC Online Del 2016.

4. I have gone through the above case law. It is a settled law that each bail application is to be decided on the basis of its peculiar facts and circumstances. No straitjacket formula can be laid down for disposal of the bail application. So far as the cases cited by Ld. Counsel are concerned, these are distinguishable on the basis of the facts and circumstances stated therein.

5. Ld. APP for the State has opposed both the bail application on the ground that the allegations against the petitioner are serious in nature. Petitioner has not only made physical relation with the prosecutrix but also took her objectionable photo and video. Ld. APP, has therefore, prayed for dismissal of bail application.

6. I have considered the rival submissions. As per prosecution version, on 29.11.2019 a complaint was made by prosecutrix in which she has alleged on 22.09.2018, petitioner called her at his house and when she reached there, petitioner offered a glass of cold drink and after consuming the same, she became unconscious. When she gained consciousness, there was no cloth on her body and petitioner told her that he had made sexual relationship with her as he liked her too much and could not control himself. Petitioner also threatened her that if she disclosed this thing to anybody, he will upload her naked photos and videos on social media. Under threat the petitioner made physical relation with her several times. Statement of prosecutrix under Section 164 Cr.P.C. was recorded in which she had corroborated all the facts made in her complaint. During investigation, two mobile phones of the petitioner were seized to substantiate the allegations of taking obscene photos and videos of the victim. All the seized exhibits have been sent to FSL for expert opinion and the result of the same is still awaited.

7. The above allegations appearing against the petitioner are serious in nature. Petitioner has made physical relations with the prosecutrix many times on the threat of uploading her nude photos and video on social media. Petitioner has also made false promise of marriage. Prosecutrix got pregnant twice but petitioner got the pregnancy aborted without consulting any Doctor. Keeping in mind the nature and gravity of offence, no grounds for bail are made out at this stage. The bail application is, therefore, dismissed and stands disposed of accordingly.