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

+ **BAIL APPLN. 2114/2024**

SHRI KULDEEP DESWAL Petitioner
Through **Mr. Raj Kumar & Ms. Hemlata**
Rawat, Advs.

versus

STATE OF NCT OF DELHI Respondent
Through **Mr. Nawal Kishore Jha, APP for the**
State along with SI Ritu, PS
Kalyanpuri with SI Mayank.
Mr. Chiraayu Trehan & Mr. S.S.
Rajove, Advs. for complainant.

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **28.06.2024**

CRL.M.A. 18342/2024 – EXMP.

1. Allowed, subject to all just exceptions.
2. The application shall stand disposed of.

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3. The applicant/accused has sought grant of anticipatory bail in terms of Section 438 of the Cr.P.C.
4. Mr. Nawal Kishore, learned APP for the State along with IO SI Ritu Yadav from PS Kalyanpuri, is present on advance notice.
5. The prosecutrix is also present along with her counsel namely Mr. Chiraayu Trehan and S.S. Rajove. The Status Report is filed on behalf of the IO. The same is taken on the record.
6. The present FIR under Section 376 and 506 of the IPC has been registered at the instance of the complainant/prosecutrix on



08.05.2024, wherein she has alleged that the accused had been not only sexually exploiting her but also extorted money and jewellery from her on various occasions.

7. In terms of the Status Report, dated 05.06.2024 filed by SI Ritu, PS Kalyanpuri, which is already on the record, it is *inter alia* brought out that during the investigation, the CDR of the mobile numbers of the accused, as supplied by the victim, was examined and it was found that on the dates on which the alleged sexual assault had taken place, the accused was not in Delhi. Moreover, on further verification it was found that he has been working as an Engineer in Reliance Industries Limited, G-467 Reliance market 1st floor Sikar road VKIA, Jaipur, from 07.06.2023 to 15.03.2024.

8. It has further been verified that during the said period, and particularly on the alleged date of the sexual assault i.e. 04.07.2023, 20.11.2023 and 02.12.2023, he was working in the said office. The prosecutrix on being asked submits that she has supplied all the relevant mobile numbers to the IO.

9. Learned counsel for the prosecutrix has urged that even as per the investigation, there are instances when the accused was present in Delhi on certain occasions.

10. Learned counsel for the petitioner points out that both the parties are resident of places near Neem Ka Thana, District Sikar, Rajasthan, and surprisingly, the present FIR has been lodged in Delhi. During the course of arguments, it is also brought out that the father-in-law of the prosecutrix is a serving Police Official in Delhi.

11. Be that as it may, in view of the previous Status Report dated 05.06.2024, as well as the Status Report filed today that reiterates the earlier findings, there are *prima facie* grounds to grant the relief



claimed by the petitioner.

12. However, at this stage, Mr. Nawal Kishore Jha, learned APP for the State submits that the mobile phone of the accused is yet to be recovered, so as to examine if there are any objectional videos or photographs of the complainant/prosecutrix. He further submits that recovery of some gold jewellery is also to be effected from the accused as alleged by the complaint prosecutrix.

13. In view of the above, the present application is allowed and it is ordered that in the event of arrest, the applicant/accused be released on bail on his furnishing personal bond in a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the IO/Arresting Officer. However, the applicant/accused shall join the investigation, as and when directed by the IO, and he shall forthwith surrender to the IO, the mobile sets for the three numbers that were allegedly being used by him during the relevant time.

14. The application stands disposed of accordingly.

DHARMESH SHARMA, J.
(VACATION JUDGE)

JUNE 28, 2024 /sa