

Vikas Shokeen vs The State Govt Of Nct Of Delhi on 21 March, 2018

Author: Anu Malhotra

Bench: Anu Malhotra

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 375/2018 & CRL.M.A. 2941/2018

VIKAS SHOKEEN Petitioner
Through: Mr. Sachin Bansal, Adv.

versus

THE STATE GOVT OF NCT OF DELHI Respondent
Through: Mr. Ashish Dutta, APP for State with
SI Sangeeta, PS Mangol Puri.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER

% 21.03.2018 Status report has been submitted by the State. Arguments address on behalf of either side.

On behalf of the applicant it has been submitted that the applicant has been falsely implicated in the instant case qua the alleged commission of the offences punishable under Sections 377/406/498A/34 Indian Penal Code, 1860 and that the several complaints that have been made at various stages by the complainant have various contradictions and that averments in relation to the alleged commission of the offence punishable under Section 377 Indian Penal Code, 1860 were not adverted to in her initial complaint that was made on 17.11.2014 by the complainant.

Inter alia on behalf of the applicant it has been submitted that at one stage the complainant had stated that the applicant was not co-operating in the several investigation and it is submitted on behalf of the applicant that the contentions sought to be raised by the prosecutrix in relation to the alleged commission of offence punishable under Section 377 Indian Penal Code, 1860 are only an afterthought to falsely implicate the applicant in the instant case.

On behalf of the State the application is vehemently opposed. Without any observation on the merits or demerits of the case, the statement under Section 164 Cr.PC, 1973 of the prosecutrix recorded on 19.01.2018 makes gross allegations against the applicant qua the alleged commission of offence punishable under Section 377 Indian Penal Code, 1860 qua which it has been submitted on behalf of the applicant that the said statement has been recorded after a period of three years of the alleged commission of offence. Without any observation on the merits or demerits of the said submission

also, the factum of the assertion in relation to the alleged acts qua the commission of offence punishable under Section 377 Indian Penal Code, 1860 as detailed in the statement of the prosecutrix, at this stage, prima facie negate the grant of bail.

The application is dismissed.

The applicant may seek redressal in terms of Section 436A of the Cr.PC, 1973 in accordance with law.

ANU MALHOTRA, J MARCH 21, 2018 vm