

**IN THE COURT OF VIKAS DHULL, SPECIAL JUDGE  
(PC ACT) (CBI)-23 (MPs/MLAs Cases) ROUSE  
AVENUE COURT COMPLEX, NEW DELHI**

**Prince Raj Vs. State of NCT of Delhi  
FIR No.162/2021  
PS. Connaught Place  
U/s 376/ 376(2)K/506/201/120B IPC**

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| <b>Date of assignment of bail application</b> | <b>:22.09.2021</b> |
| <b>Date on which reserved for order</b>       | <b>:23.09.2021</b> |
| <b>Date on which order pronounced</b>         | <b>:25.09.2021</b> |

**ORDER**

1. Vide this order, I shall dispose of an application under Section 438 Cr.P.C. filed by applicant/accused for grant of anticipatory bail with regard to alleged offence of rape, criminal intimidation and destruction of evidence.
2. The brief facts which are relevant for deciding the present application are that applicant is a sitting member of Lok Sabha from Lok Janshakti party and prosecutrix/victim was a political worker of Lok Janshakti party having joined the same in December, 2019. Both applicant/accused and the prosecutrix have lodged cross FIRs against each other. The first FIR bearing No. 27/21, PS Parliament Street has been got lodged by applicant/accused for the offence of extortion against the prosecutrix on the basis of complaint dated 09.02.2021 of the applicant/accused.
3. In the FIR got lodged by the applicant/accused, it is

alleged that in the month of February, 2020, prosecutrix met the applicant/accused at his residence in New Delhi as a political worker and offered her assistance in the political field. Thereafter, both had exchanged their telephone numbers and started talking to each other. Gradually, they came close and started spending good time with each other. Thereafter, around 16.06.2020, prosecutrix had insisted to applicant/accused to come over to her house and gave impression to applicant/accused that she really likes him. Thereafter, on 18.06.2020, applicant/accused had gone to the house of prosecutrix in Ghaziabad and there, prosecutrix had seduced him to have physical relations with her. Thereafter, on couple of occasions, applicant/accused had physical relations with prosecutrix at her residence in Ghaziabad. Later, in the month of August, 2020, applicant/accused came to know that prosecutrix was in live-in relationship with one Sh.Amar. This fact came to the knowledge of applicant/accused when he received a call from Sh.Amar from the mobile phone of the prosecutrix. It is further stated in the FIR that when applicant/accused came to know about the relationship of prosecutrix with Sh.Amar, he started maintaining distance with the prosecutrix and also avoided her calls and messages. Thereafter, the prosecutrix alongwith her friend Sh.Amar started sending threatening messages alongwith screenshots of video footage prepared by the prosecutrix during one of the visits of applicant/accused at her residence in Ghaziabad. Both of

them threatened applicant/accused to upload the obscene video and pictures taken by the prosecutrix on social media platform in case Rs.1 Crore is not paid to the prosecutrix. Both of them also threatened the applicant/accused to implicate him in a false case of rape. Applicant/accused under pressure and under the fear of being defamed in public had given Rs.2 Lacs in cash in three-four installments to the prosecutrix but still the demand of prosecutrix did not end. Therefore, applicant/accused was compelled to lodge the aforementioned FIR No. 27/21, PS Parliament Street against the prosecutrix and her friend for the offence of extortion. Alongwith the complaint, applicant/accused had also provided the copy of whatsapp chats and transcription of audio recordings. In the aforementioned FIR, prosecutrix was granted anticipatory bail.

4. After lapse of more than three months from the date of FIR got lodged by the applicant/accused, prosecutrix had sent a complaint dated 31.05.2021 through speed post to SHO, PS Parliament Street, New Delhi and thereafter, had further sent a complaint dated 28.06.2021 to the SHO, PS Connaught Place, New Delhi.
5. The gist of the allegations made in both the complaints is that prosecutrix had joined the Lok Janshakti party in December, 2019 and had met applicant/accused for the first time in the month of January, 2020 at his official residence in New Delhi. Thereafter, prosecutrix and applicant/accused had exchanged their phone numbers.

Prosecutrix had gone to meet applicant/accused at his office in Western Court in the month of February, 2020 where the prosecutrix was offered a glass of water and after drinking the same, she started feeling dizziness and became unconscious. On regaining consciousness, she found her head on the shoulder of applicant/accused and when she asked the applicant/accused as to what had happened, he told her that she had felt dizziness. Thereafter, prosecutrix had left the Western Court. It was further alleged that in the month of March, 2020, again prosecutrix had gone to the office of applicant/accused at Western Court, New Delhi where applicant/accused had started touching prosecutrix inappropriately. The prosecutrix objected to the same and thereafter, applicant/accused had shown a video to the prosecutrix in which applicant/accused was having physical relations with the prosecutrix and in the said video, face of the prosecutrix was clearly visible whereas face of the applicant/accused was hidden. Thereafter, applicant/accused offered to marry prosecutrix and further, threatened prosecutrix that in case she did not comply with his demands, then he will publish obscene video of the prosecutrix. It was further alleged that on the basis of chat of uploading the obscene video of prosecutrix on social media, applicant/accused had physical relations with the prosecutrix on number of occasions at her residence in Ghaziabad. It was also alleged that to maintain threat upon the prosecutrix and to compel her to remain in relationship,

applicant/accused also got removed banners and posters of the prosecutrix against which prosecutrix had made complaint in writing on 08.01.2021 to the President of Lok Janshakti Party i.e. Chirag Paswan. However, no action was taken by the President. Therefore, prosecutrix left the Janshakti party in February, 2021 and joined another political party i.e. Janta Dal United.

6. It was also alleged that applicant/accused had got a false FIR lodged against the prosecutrix and during the course of investigation of the said FIR, police had raided her house and had taken her laptop and mobile phones in their custody and prosecutrix was also made to sign some blank papers in the police station.
7. Based upon the complaints dated 31.05.2021 and 28.06.2021, the SHO of PS Connaught Place had initiated an inquiry into the allegations made by prosecutrix, as there was delay of 16-17 months in reporting the incident to the police.
8. After inquiry, police had concluded that allegations made by the prosecutrix did not inspire any confidence and in the opinion of police officials, no commission of any cognizable offence was found to be disclosed and accordingly, no action was taken on the complaint of the prosecutrix. Thereafter, prosecutrix had approached the court of Ld.ACMM-1, RADC, New Delhi by filing an application under Section 156(3) Cr.P.C. on 14.07.2021 and Ld.ACMM-1, RADC, New Delhi after calling Action Taken Report from PS Connaught Place, had vide order

dated 08.09.2021 directed the SHO, PS Connaught Place to register FIR against the applicant/accused. Accordingly, FIR No. 162/21 PS Connaught Place was registered against applicant/accused for the offence of rape, criminal intimidation and destruction of evidence and the matter was taken up for investigation. Pursuant to the registration of FIR, applicant/accused apprehends his arrest in the present case and accordingly, he has filed the present application seeking anticipatory bail.

9. Notice of the application was issued to State and IO had filed a detailed reply to the said application.

10. I have heard Sh. Vikas Pahwa, Ld. Senior Counsel with counsel Sh. Nitesh Rana for applicant/accused and Sh. Manish Rawat, Ld. Addl. PP for State assisted by Ms. Sudesh Kumari Jethwa, Sh. Deven Varun and Sh. B. P. Sharma, Ld. counsels for prosecutrix. I have also carefully perused the various judgments relied upon by respective counsels as well as the reply filed by the IO.

11. The Ld. Senior Counsel for applicant/accused has sought anticipatory bail on the following grounds: --

A. Firstly, it was submitted that allegations made by the prosecutrix are not believable as there is a long delay of 16-17 months in reporting the incident to the police from the date of alleged commission of rape. The prosecutrix has nowhere explained in her complaints dated 31.05.2021, 28.06.2021 or in her statement under Section 164 Cr.P.C. as to what was the reason for delay in reporting the matter to the police. Therefore, on the

ground of delay, applicant/accused deserves to be enlarged on anticipatory bail. In support of his submission, he has relied upon (1) **Ezzakk Shashikumar Naik v. State of Maharashtra 2020 SCC OnLine Bom 7970**; (2) **Naveen Singh v. The State 2018 SCC OnLine Del 10402**; and (3) **Vikul Bakshi v. The State (NCT of Delhi) 2016 (1) JCC 54**.

B. Secondly, it was submitted that the present FIR got lodged by the prosecutrix is a counter blast to the FIR NO.27/21 got lodged by the applicant/accused against prosecutrix and her friend Amar at PS Parliament Street for the offence of extortion. It was submitted that applicant/accused had made the complaint regarding extortion on 09.02.2021 and thereafter, the first complaint made by the prosecutrix with regard to alleged rape was on 31.05.2021. This fact shows that in a well planned and calculated manner, prosecutrix had got false case of rape lodged against the applicant/accused just to put pressure on the applicant/accused not to pursue his case of extortion lodged against the prosecutrix. Therefore, on this ground also, applicant/accused deserves to be released on anticipatory bail.

C. Thirdly, it was submitted that in a serious and grave offence of rape, normally prosecutrix would have herself gone to the police station to lodge a complaint but in the present case, prosecutrix had sent the complaint dated 31.05.2021 by speed post which shows

the casual manner in which prosecutrix was pursuing the serious offence of rape and that shows that the allegation made by prosecutrix against applicant/accused was false and frivolous and prosecutrix was not serious about pursuing the said matter and facing the police with regard to her allegations.

D. Fourthly, anticipatory bail has been sought on the ground that there is material contradictions in the complaints made by prosecutrix dated 31.05.2021, 28.06.2021, application under Section 156(3) Cr.P.C. and her 164 Cr.P.C. statement. These material contradictions make prosecutrix's case of alleged rape to be doubtful and hence, applicant/accused deserves to be enlarged on anticipatory bail.

E. Fifthly, anticipatory bail has been sought on the ground that the allegations of prosecutrix regarding alleged incidents of February, 2020 and March, 2020 alleging rape at Western Court, New Delhi are not corroborated by any entry in the visitors register. It was submitted that prosecutrix in her 164 Cr.P.C. statement had herself stated that in February, 2020 as well as in March, 2020, when she had visited the Western Court room of the applicant/accused, she had made entry in the visitors register in her own handwriting. However, there is no entry of prosecutrix in the visitors register maintained at Western Court, New Delhi. Further, as per Action Taken Report, there is one entry of 05.03.2020 in the

visitors register in the handwriting of prosecutrix but that entry is with regard to visiting room no.12, Western Court, New Delhi. It was submitted that applicant/accused has been allotted room no.103 and applicant/accused is not aware as to whom room no.12 has been allotted which prosecutrix had visited on 05.03.2020. Therefore, the fact of prosecutrix having visited room no. 103 of applicant/accused at Western Court, New Delhi in the month of February, 2020 and March, 2020 when incident of rape took place, has not been established on record.

F. Sixthly, Ld.Senior Counsel for applicant/accused has sought anticipatory bail on the ground that in the present case, applicant, who is a sitting member of Parliament of Lok Sabha was seduced by the prosecutrix in having consensual physical relations with her at her house in Ghaziabad and the entire act was video-graphed by the prosecutrix secretly and on the strength of compromising video of applicant/accused and prosecutrix, he was being blackmailed to pay Rs.1 Crore to the prosecutrix and her friend Amar. It was further submitted that applicant/accused has filed on record the audio recording of many conversations which took place between the applicant/accused and the prosecutrix wherein prosecutrix is threatening to upload video prepared by her, in case applicant/accused does not meet her. It was further submitted that since the applicant/accused had stopped any kind of

communication with the prosecutrix after having come to know about her relationship with her friend Amar, therefore, in the month of August, 2020, she had made a telephonic call to applicant/accused to convince that her friend Amar has got no objection to her relations with the applicant/accused and in the presence of her friend, she had admitted that she had consensual relations with the applicant/accused. It was further submitted that the prosecutrix had also sent a video, secretly prepared by her of presence of applicant/accused at her house to the applicant/accused and had threatened to upload the same on social media, in case applicant/accused does not agree to meet her. It was further submitted that even the friend of prosecutrix namely Amar, was acting in connivance with prosecutrix to extort money from applicant/accused and this fact is borne out from the audio recording filed on record wherein friend of prosecutrix namely, Amar had called one of the relatives of applicant/accused and had threatened to upload the intimate pictures and video of applicant/accused on the Facebook. It was further submitted that applicant/accused also has audio recording in his possession where prosecutrix is threatening to spoil the political career of the applicant/accused. It was further submitted that when the applicant/accused had got fed up with the demand of extortion being made by prosecutrix and her friend

Amar, then he had got the FIR lodged against prosecutrix and as a counter blast to the same, false allegations of rape against applicant/accused were made by prosecutrix.

G. Seventhly, anticipatory bail has been prayed for on the ground that in the present case, no custodial interrogation of applicant/accused is required. It was submitted that both mobile phones of applicant/accused having whatsapp chats and video sent by prosecutrix have already been seized by the police in FIR No.27/21 PS Parliament Street and no other recovery is to be made from applicant/accused or at his instance. It was submitted that applicant/accused is a sitting member of Parliament, is having clean antecedents and has deep roots in the society. Therefore, possibility of his fleeing from justice is also non-existent. It was further submitted that there is no possibility of threatening the prosecutrix as vide order dated 08.09.2021, Ld.ACMM-1, RADC, New Delhi had already granted protection by directing concerned police officials to provide security to the prosecutrix. Accordingly, Ld.Senior Counsel for applicant/accused made a prayer that applicant/accused be released on anticipatory bail and he will abide by any conditions put forth by this court while granting anticipatory bail. In support of his submissions, Ld.Senior Counsel for applicant/accused has relied upon the following judgments: (1) Madhav Krishna Vasave v. State of Maharashtra **2021 SCC OnLine**

**Bom 833; (2) Dr. Sandeep Mourya v. State 2021 SCC OnLine Del 2879; (3) Kapil Gupta v. State BAIL APPLN. 2813/2020; (4) Dr. Ravi Prakash Verma v. State 2019 SCC OnLine Del 11420; (5) Bhushan Lal Khanna v. State (NCT of Delhi) 2018 SCC OnLine Del 9787; (6) Prem Prakash Choudhary v. State 2018 SCC Online Del 6764; (7) Ritanshu Delory v. State BA 1439/16; (8) Tejas UdayKumar Sarvariya v. State of Maharashtra 2016 SCC Online Bom 6374; (9) Rohit Chauhan v. State 2013 SCC Online Del 5940; (10) Jagdish Nautiyal v. State 2012 SCC Online Del 5940; and (11) Arif Iqbal @ Imran v. State 2009 SCC Online Del 3561.**

12. On the other hand, Ld.Addl.PP for State assisted by Ld.counsels for prosecutrix have opposed the grant of anticipatory bail, on the ground of gravity of allegations made against applicant/accused. It was submitted that applicant/accused is a sitting member of Parliament and he has used his power and position to commit serious offence of rape upon the prosecutrix and, therefore, in such a serious offence, anticipatory bail needs to be declined to applicant/accused.

13. It was further submitted that prosecutrix had explained the reasons for delay in lodging the FIR. It was submitted that since prosecutrix was a political worker in the Lok Janshakti Party of which applicant/accused was the member of Parliament, therefore, prosecutrix could not get the courage to report the matter earlier and when she left

the Lok Janshakti party in February, 2021, then she got the courage to lodge FIR against the applicant/accused. It was further submitted that since prosecutrix had explained the reasons for delay in lodging the FIR, there is no reason to doubt her allegations.

14. It was further submitted that custodial interrogation of the applicant/accused is an important tool in the hands of police to elicit information and since in the present case, video prepared by applicant/accused of prosecutrix, on the basis of which applicant/accused had physical relations with the prosecutrix on number of occasions, has not yet been recovered and only by way of custodial interrogation, efforts can be made to recover the same from the applicant/accused or at his instance. Therefore, interest of investigating agency has to be kept in mind and on this ground, dismissal of anticipatory bail has been sought. In support of his submissions, he has relied upon the following judgments of the Hon'ble Supreme Court of India delivered in (1) P.Chidambaram Vs. Directorate of Enforcement Crl.Appeal No. 1340/19 DOD-05.09.2019; (2) State represented by CBI Vs. Anil Sharma, DOD-03.09.1997 and (3) State of Himachal Pradesh Vs. Shree Kant Shekari, Appeal (Crl.) 589 of 1999 DOD-13.09.2004.

15. During the course of hearing of arguments, Ld.Addl.PP for State assisted by Ld.counsel for prosecutrix had alleged that the visitors register of Western Court, New Delhi was tampered with and some pages were torn to delete the entry of prosecutrix having visited the same in the month

of February, 2020 and it was further submitted that even the applicant/accused is not having clean antecedents.

16. In order to ascertain the correctness of the allegations regarding tampering and previous involvement of the applicant/accused, IO was directed to file the report of previous involvement of applicant/accused on record and also to file report as to whether any tampering in the visitors register of the Western Court, New Delhi was noticed by her or not? Thereafter, IO had filed a detailed report wherein it was stated that all the three visitors registers of Western Court, New Delhi were seized and the registers do not have any entry of prosecutrix in the month of February, 2020 and whereas for the month of March, 2020, there are two entries of prosecutrix visiting the Western Court, New Delhi i.e. firstly on 05.03.2020 with regard to room no.12 and secondly on 31.03.2020 with regard to visit to canteen and IO also reported that there is no previous involvement of applicant/accused in any other case.

17. Ld. Addl. PP for State after seeing all the three registers had submitted that there is no prima facie tampering in the visitors register as all the entries made therein are in seriatim.. However, Ld. Addl. PP for State further submitted that it was not mandatory for the guests to make entry in the guests/visitors register and guests could go to the Western Court, New Delhi without making any entry. Therefore, non-availability of entry of prosecutrix is not a reason to doubt her allegations of rape in the month of

February, 2020. Accordingly, it was reiterated that since allegations made against applicant/accused are serious and grave in nature and having regard to the need of investigating agency for custodial interrogation of applicant/accused, a prayer was made to dismiss the anticipatory bail application of applicant/accused.

18. I have considered rival submissions of respective counsels and have carefully perused the record.

19. In order to decide the present bail application, it is relevant here to refer to the judgment of the Hon'ble Supreme Court of India delivered in **Siddharam Sattlingappa Mhetre v. State of Maharashtra; (2011) 1 SCC 694** wherein it was laid down that the following factors and parameters need to be taken into consideration while dealing with the anticipatory bail:

“112. The following factors and parameters can be taken into consideration while dealing with the anticipatory bail:

- i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;
- ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;
- iii. The possibility of the applicant to flee from justice;
- iv. The possibility of the accused's likelihood to repeat similar or the other offences.
- v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.
- vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people

- vii. The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of sections 34 and 149 of the Penal Code, 1860, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;
- viii. While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;
- ix. The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;
- x. Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”

20. It was further laid down by the Hon'ble Supreme Court of India to the effect:

“113. Arrest should be the last option and it should be restricted to those exceptional cases where arresting the accused is imperative in the facts and circumstances of that case. The court must carefully examine the entire available record and particularly the allegations which have been directly attributed to the accused and these allegations are corroborated by other material and circumstances on record.

114. These are some of the factors which should be taken into consideration while deciding the anticipatory bail applications. These factors are by no means exhaustive but they are only illustrative in nature because it is difficult to clearly visualize all situations and circumstances in which a person may pray for anticipatory bail. If a wise discretion is exercised by the concerned judge, after consideration of entire material on record then most of the grievances in favour of grant of or refusal of bail will be taken care of. The legislature in its wisdom has entrusted the power to

exercise this jurisdiction only to the judges of the superior courts. In consonance with the legislative intention we should accept the fact that the discretion would be properly exercised. In any event, the option of approaching the superior court against the court of Sessions or the High Court is always available.”

21. Now, let us see whether in the facts and circumstances, a case for grant of anticipatory bail is made out in favour of applicant/accused or not?
22. In the present case, prosecutrix had alleged that incident of alleged rape, of which video was allegedly prepared by applicant/accused, took place in the month of February, 2020 at the office of applicant/accused at Western Court, New Delhi and said video was shown to the prosecutrix when she again went to the office of applicant/accused at Western Court, New Delhi in the month of March, 2020.
23. In her 164 Cr.P.C. statement, prosecutrix had stated that on both occasions, she had made an entry regarding room no.103 in the visitor register in her own handwriting at the Western Court, New Delhi.
24. The IO in this case has seized all the three visitors registers maintained at the Western Court, New Delhi and as per the same, there is no entry in the month of February, 2020 of the prosecutrix having visited the Western Court, New Delhi. Further, there are two entries in the register of 05.03.2020 which pertains to visiting room no.12 and other entry of 31.03.2020 with regard to visit to canteen.
25. Admittedly, room no.12 does not belong to applicant/accused and as per the report filed on record by the IO, room no.103 was allotted to the applicant/accused.

Further, it has also come on record, in the light of statement made by Ld.Addl.PP for State that there is no tampering in the visitors register. Therefore, allegations of prosecutrix of having visited Western Court, New Delhi at room no.103 in the month of February, 2020 and March, 2020 and on both occasions, she had made entry in the visitors register, is not corroborated by the visitors register.

26. Another fact which could have corroborated the version of prosecutrix regarding her visit to the Western Court, New Delhi could have been the electronic evidence in the form of CCTV footage. However, as per report of IO, although CCTVs are installed at Western Court, New Delhi but the footage is preserved only for one month and since incident is of February/March, 2020, therefore, there is no CCTV footage available. Therefore, version of prosecutrix regarding her visit to room no.103 of applicant/accused at Western Court, New Delhi in the month of February/March, 2020, is not prima facie established either by way of electronic evidence or by way of documentary evidence in the form of visitors registers.

27. Another fact from which version of prosecutrix appears to be doubtful is the fact that reference to room no.103 was made for the first time only at the stage of recording of 164 Cr.P.C. statement of prosecutrix and in the previous complaints dated 31.05.2021, 28.06.2021 and application under Section 156(3) Cr.P.C., there was no reference of prosecutrix having visited room no.103 of Western Court, New Delhi.

28.It is not prima facie believable that prosecutrix being a party worker, who was regularly visiting the office of applicant/accused at Western Court, New Delhi would not have remembered the room number of applicant/accused at Western Court, New Delhi. Therefore, possibility of prosecutrix mentioning room no.103 as an after thought or after having gathered information about the room number of applicant/accused at Western Court, New Delhi, cannot be ruled out.

29.Further, prosecutrix had specifically mentioned about her second visit to the Western Court, New Delhi on 15.03.2020 in her initial complaint dated 31.05.2021 but intentionally omits to mention the said specific date in her 164 Cr.P.C.statement wherein it was vaguely stated that she had visited the Western Court, New Delhi between Ist week of March till middle of March, 2020 as she is unable to recall the said date. The possibility of prosecutrix intentionally not recalling the exact date of 15.03.2020 of visiting Western Court, New Delhi in her statement under Section 164 Cr.P.C. could be due to the fact of prosecutrix knowing before hand that there was no corresponding entry with regard to 15.03.2020 in the visitors register of the Western Court, New Delhi. Therefore, aforementioned facts which have come on record do not prima facie show the visit of prosecutrix at Western Court, New Delhi in the month of February, 2020 when the alleged video of rape was prepared by the applicant/accused or in the month of March, 2020 when the prosecutrix was allegedly

confronted with the obscene video and possibility of wrongful implication of applicant/accused cannot be ruled out.

30. Secondly, it has come on record that applicant/accused had got the FIR No.27/21 PS Parliament Street registered against prosecutrix and her friend Amar for the offence of alleged extortion of Rs.1 Crore, on the basis of obscene video and pictures of applicant/accused, secretly prepared at the house of prosecutrix.

31. In the said FIR, applicant/accused has candidly admitted of having consensual physical relations with the prosecutrix from June, 2020 onwards at her house in Ghaziabad. The allegations against prosecutrix and her friend Amar extending threats to applicant/accused to upload his picture and video were recorded by the applicant/accused of which transcripts were filed on record. The applicant/accused was also having in his laptop a video allegedly sent by prosecutrix showing the presence of applicant/accused in the house of prosecutrix. The said video was played in the court and shown to the prosecutrix and after seeing the same, prosecutrix admitted that the house visible in the said video is her house. However, she denied of sending any such video on the phone of applicant/accused. Therefore, this fact can be established during the course of trial. However, the possibility of applicant/accused himself preparing such video showing his presence at the house of prosecutrix in Ghaziabad is quite remote. Further, during the course of arguments, certain pictures of the prosecutrix

with one boy were produced by Ld.Senior Counsel for applicant/accused and on seeing the same, prosecutrix had admitted that the boy seen in the pictures is her friend Amar, who is known to her for the past six-seven years and even she intends to marry him.

32.Further, one audio recording was also played in the court and after listening to the same, prosecutrix had identified the voice as that of her friend Amar in the said recording, the transcript of which was filed alongwith the bail application at page no.66. The friend of prosecutrix Amar is heard threatening to upload the video and nude picture of applicant/accused on the Facebook and the said call as per version of applicant/accused, was made to the relative of applicant/accused.

33.The applicant/accused had also filed on record at page no.54 the transcript dated 27.08.2020 of audio recording which took place between the prosecutrix, her friend Amar and applicant/accused and the same was shown to the prosecutrix during the hearing of bail application and after seeing the same, prosecutrix admitted that she had stated on phone to the applicant/accused that whatever happened between them was as per mutual understanding and with consent of each other.

34.In another transcript of audio recording filed on record by applicant/accused alongwith bail application, prosecutrix is threatening to make a video viral which she had prepared to put the reputation of applicant/accused at stake. The said transcription is at page no.62 of the bail application and on

having seen the same, prosecutrix had admitted the same to be true.

35. In another transcript of audio recording which is at page nos. 69 to 70 of the bail application which prosecutrix admitted to be correct, it is seen that prosecutrix is threatening the applicant/accused that she will not allow him to become member of Parliament and threatened applicant/accused that it will be in his interest to have friendship with the prosecutrix failing which she will publish his photo in the local news channel. At page no. 70 of the bail application, prosecutrix is telling the applicant/accused that she wants to earn money and she can easily switch to any other party by getting his photograph published.

36. All the aforementioned facts show that it was in fact prosecutrix, who was trying to threaten the applicant/accused to defame him by circulating his picture/video which were in her possession and she also corroborated the allegations made in the FIR lodged by applicant/accused that they had consensual physical relationship.

37. Thirdly, the FIR got lodged by the prosecutrix is after 16-17 months of alleged incident and after more than three months of FIR got lodged by applicant/accused bearing No. 27/21 PS Parliament Street. No explanation has been provided by the prosecutrix in her complaint dated 31.05.2021 and 28.06.2021 as to why she did not lodge the police complaint regarding the alleged offence of rape

promptly. In her 164 Cr.P.C.statement, prosecutrix has tried to explain the delay that she got courage to lodge the complaint only after leaving the party in February, 2021 but even after leaving the party in February, 2021, complaint was made by prosecutrix on 31.05.2021 and that too after the registration of FIR of extortion against her by applicant/accused. Therefore, there is unusual delay in lodging the FIR against applicant/accused by prosecutrix. Therefore, the possibility of prosecutrix lodging the present FIR to falsely implicate applicant/accused as a counter blast to FIR No.27/21 PS Parliament Street lodged against her by applicant/accused and to put pressure upon applicant/accused, cannot be ruled out at this stage.

38.Fourthly, the custodial interrogation of the applicant/accused is not required in this case as nothing is to be recovered from applicant/accused or at his instance. Both the mobile phones of applicant/accused have already been seized in FIR No.27/21, PS Parliament Street and if any other recovery is required to be made from applicant/accused, the same can be taken care of by directing the applicant/accused to join the investigation as and when required by the IO. Further, even as per the reply of IO to the anticipatory bail application, custodial interrogation of applicant/accused is not required at this stage and might be required in future. Therefore, on this ground also, no case is made out for dismissal of anticipatory bail application.

39. Further, there is no possibility of tampering with the evidence as all the evidence relating to this case has been seized by the IO in this case or in FIR NO. 27/21 PS Parliament Street.

40. Further, the applicant/accused is having clean antecedents and this fact is confirmed by the report of IO. The possibility of applicant/accused fleeing from justice is also quite remote as applicant/accused is a sitting Lok Sabha member and has got deep roots in the society. The possibility of applicant/accused threatening the prosecutrix is quite remote as Ld.ACMM-1, RADDC, New Delhi vide his order dated 08.09.2021 has directed DCP, New Delhi to provide adequate security to the prosecutrix. There is also remote likelihood of applicant/accused repeating the similar or any other offence as he is a sitting member of Lok Sabha and he will not jeopardise his chance to get re-elected by committing similar or any other offence.

41. In the light of aforementioned discussion and having regard to the fact that there is an unreasonable delay in lodging the FIR by prosecutrix, the present FIR being lodged by prosecutrix as a counter blast to the FIR No.27/21 PS Parliament Street lodged by applicant/accused against prosecutrix way back in February, 2021, admission made by prosecutrix that whatever happened between her and the applicant/accused was consensual in the transcript of audio recording dated 27.08.2020, there being no requirement of custodial interrogation of applicant/accused, absence of entry in the

visitors registers of Western Court, New Delhi regarding the visit of prosecutrix on the date of incident and thereafter, in the month of March, 2020, possibility of false implication being prima facie established and there being no chance of tampering with the evidence or applicant/accused fleeing from justice, **application for grant of anticipatory bail is allowed. In the event of arrest of applicant/accused, IO/SHO PS Connaught Place is directed to release the applicant/accused on his furnishing a personal bond of Rs.1 Lac with one surety in the like amount to the satisfaction of IO/SHO, PS Connaught Place on the following conditions:--**

- 1. That the applicant/accused shall join the investigation as and when required by the IO.**
- 2. That applicant/accused shall not threaten, pressurize or contact the prosecutrix in any manner whatsoever i.e through phone, whatsapp, email. Instagram, Facebook, Messenger etc.**

**42. However, it is made clear that nothing expressed hereinabove shall tantamount to expressing any opinion on the merits of this case.**

**43. Application stands disposed of accordingly.**

**Announced through VC  
Dated : 25.09.2021**

**VIKAS  
DHULL**

Digitally signed by VIKAS  
DHULL  
Date: 2021.09.25  
15:17:43 +05'30'

**(Vikas Dhull)  
Spl.Judge (PC ACT): CBI-23  
Rouse Avenue District Court  
New Delhi**