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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 1634/2011

NOOR HASAN Petitioner
Through Mr. Yash Anand, Adv.

versus

STATE OF NCT DELHI Respondent
Through Ms. Jasbir Kaur, APP for the State

CORAM:
HON'BLE MR. JUSTICE M.L. MEHTA

% **ORDER**
21.11.2011

Crl. M.A. No. 18140/2011 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 1634/2011

Notice

Ms. Jasbir Kaur, Learned APP accepts notice on behalf of the State.

In view of the urgency explained by the petitioner, I have heard the matter finally.

This is an application for bail of the accused for the offence under Section 328/323/376/506/509 IPC in FIR No. 301/2011 registered at P.S. Jyoti Nagar.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case as he was landlord of the prosecutrix and there was a dispute regarding vacation of the suit premises. He submitted that this case has been filed against the petitioner so as to deter from seeking vacation of the

premises. He has submitted that the father of the prosecutrix has also filed a suit for permanent injunction against the accused/petitioner which was withdrawn by him on 21.07.2011.

Having perused the FIR and the other material available on record, it is seen that there are specific allegations against the petitioner for having committed rape of the prosecutrix.

It is also seen that the statement of the prosecutrix has been recorded under Section 164 Cr.P.C by learned Metropolitan Magistrate wherein the prosecutrix has made clear allegations regarding commission of her rape by the petitioner and further that she was continuously raped by the petitioner and co-accused Dr. Farooq. She also stated that the accused has taken her nude photographs and also made video film of her during the course of commission of rape. She further stated that she was forced to get aborted and on her refusal she was threaten to be killed.

Having regard to the facts and circumstances and seriousness of the offence, the petitioner is not entitled for the bail.

Hence, the bail application stands dismissed.


M. L. MEHTA, J

NOVEMBER 21, 2011

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