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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 832/2013

MADAN MOHAN SINGH & ORS.

..... Petitioners

Through: Mr. Lal Bahadur, father of the Petitioners
in person.

versus

STATE

..... Respondent

Through: Nemo.

CORAM:**HON'BLE MR. JUSTICE G.P. MITTAL****ORDER**

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28.05.2013

1. FIR for the offence punishable under Section 376 IPC was registered against the Petitioners on the allegations that on 12.03.2013 the prosecutrix was watching TV in her house No.F-265, Karampura, New Delhi when Madan Mohan Singh held prosecutrix's breast and his brother Gopal Singh started undressing her. The prosecutrix ran out and informed the PCR to take action against them. Later on the FIR was registered on the basis of the statement of Smt. Sheela Devi.
2. The status report submitted by the police is as under:-

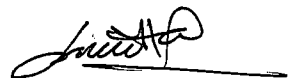
"Most respectfully it is submitted that on 12.03.13 a PCR call vide DD No.20A, PS Moti Nagar was received at 12.45 PM, mentioning "F-265 Karampura Moti Nagar EK LADY KO GHAR ME AAKAR CHED RAHA HAI, Ph. No.8527802353". The Complainant Smt. Sheela Devi R/o F-265, Karampura, New Delhi-15 gave a written complaint alleging that she was sitting on her bed in her room at F-265 and watching TV when Madan Mohan Singh held her breast while his brother Gopal Singh started undressing her. She came out and called police. A case vide FIR No.82/13, U/s. 376-D IPC PS Moti Nagar was registered and the two mentioned persons namely Madan Mohan Singh s/o Lal Bahadur Singh R/o Jhuggi F-265, Karampura, Moti Nagar, Delhi and Gopal Kumar s/o Lal

Signature Not Verified

Digitally Signed
By:AMULYA

Bahadur Singh r/o Jhuggi F-265, Karampura, Moti Nagar Delhi were arrested in the case on 12.03.13. The complainant statement u/s 164 Cr.P.C. has been recorded by Hon'ble Ld. M.M., Tis Hazari Court, Delhi wherein she has reiterated her allegations against the accused persons."

3. As per the case of the Petitioners there is a civil dispute among the Petitioners and the prosecutrix. A civil suit was filed by the Petitioners wherein an order dated 02.02.2013 was passed by the learned Civil Judge whereby the prosecutrix and one Krishna were directed not to create any hindrance in the installation of temporary electricity connection in the premises of the Petitioners by Defendant No.3, that is, BSES (in the said case).
4. It is stated that order passed by the learned Civil Judge was not being complied with and the Petitioners had a threat to their life at the hands of the prosecutrix and a report in this regard was lodged with SHO, PS Moti Nagar on 06.03.2013 much before the present incident (copy placed on record).
5. The Petitioners are in custody since 13.03.2013. I have gone through the allegations made in the FIR. Keeping in view the facts and circumstances of the case, the Petitioners are directed to be admitted to bail, subject to their furnishing personal bonds in the sum of ₹ 25,000/- each with one surety in the like amount each to the satisfaction of the Trial Court.
6. Copy of the order be sent to the Trial Court.
7. The Application is allowed in above terms.
8. Dasti.



G.P. MITTAL, J.

MAY 28, 2013

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