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

+ **CRL.REV.P. 691/2016 & Crl. M.A.16669/2016**

MUNEEB AHMAD

..... Petitioner

Through: Ms. Mamta Chandra & Mr. Prateek
Yadav, Advocates

versus

STATE (GNCT OF DELHI)

..... Respondent

Through: Mr. Mukesh Kumar, APP

WITH

+ **BAIL APPN. 2200/2016 & Crl. M.B. 1909/2016**

MUNEEB AHMAD

..... Petitioner

Through: Ms. Mamta Chandra & Mr. Prateek
Yadav, Advocates

versus

STATE (GNCT OF DELHI)

..... Respondent

Through: Mr. Mukesh Kumar, APP

WITH

+ **BAIL APPN. 2205/2016 & Crl. M.B. 16677/2016**

TARIQUE AIJAZ @ TARIKH

..... Petitioner

Through: Ms. Mamta Chandra & Mr. Prateek
Yadav, Advocates

versus

STATE (GNCT OF DELHI)

..... Respondent

Through: Mr. Tarang Srivastava, APP

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CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK
ORDER
% 26.10.2016

The petitioners are related to each other. Muneeb Ahmad is the cousin of Tarique. The prosecutrix/complainant is also related to Tarique. The sister of the complainant is married to the brother of Tarique.

It is noted that, on the complaint of prosecutrix/complainant, FIR No.197/2016, under Section 376 IPC, registered on 27th August, 2016 at PS: Chandni Mahal. The FIR was registered one day after the marriage of Muneeb. The prosecutrix/complainant alleged in the FIR that, Muneeb developed friendly relations with her and promised to marry her. He told her that he had already spoken to his family in this regard. By extending a promise to marry her, he developed physical relations with her on several occasions. On 26th August, 2016, prosecutrix narrated all the facts to her parents and, thereafter, they went to Muneeb's house to talk with his family members about the *nikah*. However, they declined to marry Muneeb with her, inasmuch informed that Muneeb had performed *nikah* with his cousin, Soriya Faran, the same day.

In the said case, the petitioner Muneeb was granted anticipatory bail by the learned Additional Sessions Judge on 1st September, 2016. However,

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the anticipatory bail of the petitioner has been cancelled by the learned Additional Sessions Judge vide order dated 17th October, 2016 passed in bail application Nos.75228/2016, in view of the registration of subsequent FIR No.108/2016, under Sections 354/354(A)/195A/506/34 IPC, registered at PS:Jama Masjid, Delhi on 17th September, 2016, on the complaint of prosecutrix. In this FIR, the prosecutrix has alleged that on 17th September, 2016 she was returning from her aunt's house at about 5:30 pm and when she reached near Balak Mata Centre, two boys, caught hold of her neck which she identified as Muneeb and Tarique and they asked her to withdraw the rape case. When she refused to withdraw the case, Muneeb caught her by her throat and slapped her and also touched her chest. She ran away but Muneeb and Tarique came after her. They were carrying plastic thumbs up bottles. Muneeb opened the bottle and poured the liquid on her, which smelled like kerosene oil. Thereafter, Muneeb and Tarique ran away.

Learned counsel for the petitioners, submits that the petitioners have been falsely implicated, with a view to get the anticipatory bail of the petitioner, Muneeb, cancelled. No act has been assigned to Tarique except that he was present with Muneeb. Muneeb was in his office till 5:15 pm, and this fact has already been verified by the Investigating Officer from the

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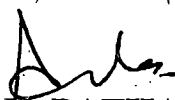
senior officers of the bank. Muneeb had suffered injury in his left hand, which was plastered on 16th September, 2016. Thus, Muneeb could not have caught hold of the neck of the prosecutrix/complainant and slapped her simultaneously, as has been alleged by her. The medical prescriptions have also been placed on record.

It is further submitted that the prosecutrix and her family turned inimical towards the petitioners and their family since they had refused to marry Muneeb with her and Muneeb had married Sarya Faran. Therefore, they started threatening the petitioners and their other relatives, who have to approach this Court by way of two writ petitions, that is, WP(Crl.) Nos. 2649/2016 and 2625/2016 on 7th September, 2016, much prior to the lodging of the second FIR. Only thereafter, as a counterblast, the present FIR has been lodged.

Keeping in view the facts and circumstances as noted above, it is ordered that petitioners Muneeb and Tarique, in case of their arrest, be released on bail, subject to their furnishing personal bonds in the sum of Rs.50,000/- each, with one surety of the like amount, to the satisfaction of the Arresting Officer/Investigating Officer/Station House Officer concerned in the FIR No.108/2016, PS:Jama Masjid, Delhi.

The order impugned in the criminal revision petition dated 17th October, 2016 is also set aside. The anticipatory bail granted by the learned Additional Sessions Judge in FIR No.197/2016 under Section 376 IPC, registered at PS: Chandni Mahal, is restored.

All the three petitions are disposed of in the above terms. *Dasti*. All the pending applications are also disposed of.


A.K. PATHAK, J

OCTOBER 26, 2016
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