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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 144/2016
RANBIR SINGH @ FAKKAD

..... Petitioner

Through Mr Munawar Naseem and Mr. Mohd. Asif,
Adv.

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through Mr Akshai Malik, Additional Public Prosecutor
for the State alongwith Sub Inspector Anita
Police Station Kanjhawala, Delhi

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 14.03.2016

This is application under Section 439 of Cr.PC moved by the petitioner for grant of regular bail in case FIR No. 404/2015 under Sections 376D/506 IPC registered at Police Station Kanjhawla, Delhi.

The FIR in the instant case was registered on the basis of a complaint made by prosecutrix alleging therein that five years ago, the petitioner alongwith two others committed rape upon her.

It is submitted by counsel for the petitioner that there is inordinate delay of five years in lodging the FIR. The petitioner has been falsely implicated in this case at the instance of husband of prosecutrix as the petitioner is working in RTV where her husband is also working as a helper. There was some money dispute as such she falsely implicated the petitioner in this case. Counsel further submits that as per prosecution case pursuant to the disclosure statement made by the petitioner, one Subhash was also arrested. His TIP was conducted where the complainant could not identify him and, therefore, he was released on bail. The petitioner is in custody since 08.12.2015 as such he be released on bail.

Learned Additional Public Prosecutor for the State did not dispute that there is delay in lodging the FIR, however, it is submitted that an opportunity has to be given to the complainant to explain the delay. Moreover, keeping in view the nature of allegations till the time complainant is examined, the petitioner should not be released on bail.

Keeping in view all the facts and circumstances of the case, the petitioner is directed to be released on bail:

- (i) On his furnishing personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the learned Trial Court concerned.
- (ii) He is directed not to contact the prosecutrix or any other prosecution witnesses.
- (iii) He is also directed to furnish his address and contact number to the Trial Court as well as to the SHO concerned.

The application stands disposed of accordingly.

A copy of this order be given *dasti* to counsel for the petitioner.

SUNITA GUPTA, J

MARCH 14, 2016/*rd*