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

+ BAIL APPLN. 266/2016

SUNIL DUTT @ SUNIL KUMAR Petitioner

Through : Mr.Krishan Kumar, Advocate with
Mr.Laxman Singh, Advocate.

versus

STATE THROUGH SHO Respondent

Through : Ms.Meenakshi Dahiya, APP.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **03.06.2016**

1. The petitioner seeks regular bail under Section 439 Cr.P.C. in case FIR No.75/2015 registered under Sections 6/14/16 POCSO Act and Sections 376/506 IPC at PS Pul Prahlad Pur. Status report is on record.
2. I have heard the learned counsel for the parties and have examined the file. The petitioner is in custody since 07.04.2015. Upon completion of investigation, charge-sheet has since been filed; charge has been framed on 19.01.2016 under Section 4 POCSO Act and Section 506 IPC.
3. The prosecutrix and the petitioner were acquainted with each other. The petitioner lived in her neighbourhood. Allegedly 2 or 3 days after the Diwali, the petitioner's wife Savita called prosecutrix at her house where she was sexually assaulted. The victim came to her house after the incident and maintained complete silence. After 3 or 4 days in similar way again Savita called the victim to her house and rape was committed upon the prosecutrix. She was threatened not to disclose the incident or else her video containing objectionable matter would be circulated. The prosecutrix came to her residence and did not narrate the incident to her

family members. She was allegedly blackmailed thereafter by the petitioner. Finally, she reported the matter to the police on 23.02.2015. Apparently, there is delay in lodging the FIR.

4. In the FSL report on record blood / semen could not be detected on any exhibit collected and sent for examination. Since semen could not be detected on the exhibits of the prosecutrix, DNA examination could not be conducted.

5. At the time of her medical examination on 24.02.2015 at AIIMS, the prosecutrix was found pregnant. She opted abortion. Foetus was not sent to ascertain as to who was the perpetrator of the crime. Certain inconsistencies between the complaint lodged to the police and the statement recorded before the Court under Section 164 Cr.P.C. have been pointed out.

6. Considering the facts and circumstances of the case, the petitioner is admitted to bail on furnishing personal bond in the sum of ₹40,000/- with one surety in the like amount to the satisfaction of the Trial Court.

7. The bail application stands disposed of.

8. Observations in the order shall have no impact on the merits of the case.

9. Order '*dasti.*'

JUNE 03, 2016 / tr

S.P.GARG, J