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

+ **BAIL APPLN. 210/2016**

FARAH IMRAN

..... Petitioner

Represented by: Mr. Mukesh Gupta, Advocate.

versus

STATE

..... Respondent

Represented by: Mr. Hirein Sharma, APP for
the State with SI Sunita, PS
Darya Ganj.

+ **BAIL APPLN. 247/2016**

SHAKEEL AHMED

..... Petitioner

Represented by: Mr. Mukesh Gupta, Advocate.

versus

STATE

..... Respondent

Represented by: Mr. Hirein Sharma, APP for
the State with SI Sunita, PS
Darya Ganj.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.11.2016

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1. The petitioners seek anticipatory bail in case FIR No. 817/2015 under Sections 376/377/342/109/506/34 IPC registered at PS Darya Ganj, Delhi.
2. The above noted FIR was got lodged by the complainant pursuant to directions under Section 156 (3) Cr.P.C. The complainant alleged that she

BAIL APPLN. 210/2016 & 247/2016

Page 1 of 3

7

was working as a security guard for the last three-four years and knew Sayyed Shakeel Ahmed, the petitioner in Bail Application No.247/2016. On 18th October, 2015 she got a call on her mobile phone and Farah, the petitioner in Bail Application No.210/2016 spoke to her and stated that they were getting the complainant married to Shakeel on that day and asked her to come to her house. Thereafter Shakeel spoke to her stating that he was getting the Qazi and she should come alone. When the complainant reached Farah's house at 1.00 PM, Farah and Shakeel were already present. When she asked Farah about the Qazi, Farah stated that he was sitting upstairs. Believing her version the complainant went upstairs, Shakeel followed her. Initially he started talking to her and thereafter suddenly he started physically misbehaving with her and committed unnatural sex with her. She screamed and ran towards the door which she found was closed from outside. She was informed by Shakeel that the door was closed by Farah. The complainant also alleged that in the year 2014 Shakeel had forcibly physical relations with her on which FIR was registered and Shakeel was arrested. However, under the threat and compulsion she withdrew the said case.

3. During the course of investigation, statement of the complainant under Section 164 Cr.P.C. was recorded wherein she reiterated her allegations. However, the investigation also reveals that on 28th October, 2015 no call was received on the phone of the complainant, rather she called up Shakeel twice. Further the petitioners have placed on record the transcript of a conversation wherein the complainant is admitting the falsity of the allegations.

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4. FSL report has been received which verifies that the voice in the recorded conversation tallies with that of Farah and the complainant. Earlier also the complainant had lodged FIR against Shakeel alleging forcible sexual assault wherein Shakeel stayed in custody for nearly three months but was acquitted.

5. Considering the facts revealed during the investigation, without commenting upon the merits of the matter any further, I find it to be a fit case for grant anticipatory bail to the petitioners. It is, therefore, directed that in the event of arrest the petitioners be released on bail on their furnishing personal bond in the sum of ₹25,000/- each with one surety each of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned further subject to the condition that they will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the Court concerned.

6. Bail applications are disposed of.

7. Order dasti.


MUKTA GUPTA, J.

NOVEMBER 22, 2016
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