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

+ **BAIL APPLN. 913/2016**

JITENDER

..... Petitioner

Represented by: Mr. Aditya Vikram, Mr.
Harjeet Singh Sachdeva, Mr.
Anirudh, Advs.

versus

STATE

..... Respondent

Represented by: Mr. Hirein Sharma, APP with
DCP Roomil Baaniya, ACP
Amit Kaushik, SHO Rakesh
Kumar, Insp. Saroj Bala, PS
Ambedkar Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
15.12.2016

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The DCP South East is present in Court. A detailed status report has also been filed. He assures that the system will be streamlined and it will be ensured that proper assistance is rendered to the Court in the matters.

The petitioner who is an accused in FIR No.119/2009 under Sections 363/376-G IPC registered at PS Ambedkar Nagar seeks regular bail on the ground that he has been in continuous incarceration since 19th September, 2011.

The case of the prosecution is that a missing report was lodged by the father of the two minor girls which was later converted into a FIR under Section 363 IPC on 10th May, 2009. Later when the two minor girls were

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recovered their statements were recorded in which they stated that when they had gone to the market a car was stationed near the shop and one lady and two male members were standing near the vehicle. They dragged both of them into the vehicle and took them to Khanpur. One of the prosecutrix was made to wear a saree and thereafter Vipin and his brother-in-law i.e. the petitioner herein served water to both of them. After drinking water the two victims fell unconscious. Later it was revealed that they were taken to Farukhabad where Ankit, younger brother of Vipin was also present. It is alleged that Vipin, Jitender and Ankit forcibly committed rape with both the victims. The petitioner could not be initially arrested and was declared a proclaimed offender. Petitioner was finally arrested on 19th September, 2011 since when he is in custody. Vipin the co-accused has already been convicted and Ankit is still a proclaimed offender. As regards the trial against the petitioner is concerned, the prosecution has concluded its evidence and the petitioner is leading defence evidence.

Considering the allegations against the petitioner and the fact that the trial is at the fag end, this Court finds no reason to grant bail to the petitioner at this stage. Petition is dismissed.

Copy of the order be communicated to the petitioner through Superintendent Tihar Jail.

MUKTA GUPTA, J.

DECEMBER 15, 2016

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