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

+ **BAIL APPLN. 1339/2016**

SALMAN

..... Petitioner

Represented by: Mr. Rajpal Kasana, Mr. Vikram Singh and Mr. Ayub Khan, Advocates.

versus

STATE (GOVT OF NCT IF DELHI)

..... Respondent

Represented by: Mr. Ashok K. Garg, APP for the State with DCP/South-East Dist. Sh. Romil Bania, Inspector Vijay Pal Singh SHO Jamia Nagar and SI Shanti, PS Jamia Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
08.12.2016

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1. By the present petition the petitioner seeks bail in case FIR No.14/2016 under Sections 376D/506/392 IPC registered at PS Jamia Nagar, Delhi.

2. In the complaint the prosecutrix alleged that she was staying along with one Shagufta as a tenant for the last one month. On 5th January, 2016 at around 9'o clock in the night five persons came outside her house. One of the five persons was a woman. Seeing a woman Shagufta opened the door. As soon as she opened the door, the five of them pushed her and came inside. She recognised them as Guddu, Abbas, Anis, Salman and Afreen.

3. It is alleged that the five of them pulled her towards central room of

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her house, beat her and tore her clothes. Thereafter Abbas bit her, Salman pressed her breast, Anis caught hold of her legs and Guddu sexually assaulted her by committed rape on her without her consent.

4. When the present petition came up for hearing, learned counsel for the petitioner pointed out that the present petition was a counter blast to the FIR No.1624/2015 under Sections 344/376 IPC which was registered against accused Shahid and Saleem by his sister-in-law. The complainant stated herself to be was residing at the same address which was that of the complainant in FIR No.1624/2015. The petitioner alleged that there was a property dispute and the complainant of the present case had lodged this case in conspiracy with Shahid and Saleem. It was also pointed out that the prosecutrix had gone to meet Saleem in custody twice at Tihar Jail.

5. A status report has been filed by the SHO, PS Jamia Nagar under the supervision of the DCP concerned wherein it has been verified that the prosecutrix had gone to meet Saleem in Tihar Jail on two dates for the reason she was being threatened to be dispossessed from the house and Saleem was the alleged owner of the said house. However, during investigation it was found out that the house in question was owned by Salma, sister-in-law of Saleem. Thus Saleem is not the owner of the said house and was only a relative of the owner. The complainant in FIR No.1624/2015 is the sister-in-law of the petitioner.

6. Further Guddu, the main accused against whom the allegations of rape have been levelled has been granted bail whereas the two other accused i.e. Abbas and Anis besides Afreen named in the FIR who were not found to be present at the place of incident have also been granted anticipatory bail.

The fourth accused Afreen was also released on anticipatory bail.

7. Consequently, the petitioner is directed to be released on bail. It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court further subject to the condition that he will not leave the country without prior permission of the learned Trial Court.

8. Petition is disposed of.

9. Order dasti.

MUKTA GUPTA, J.

DECEMBER 08, 2016

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