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

+ **BAIL APPLN. 1400/2016**

MAHIPAL @ KARAN@ BHOLU

..... Petitioner

Represented by: Mr. Sunil Dalal & Mr. Ramesh
Chander, Advocates.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: Mr. Hirein Sharma, APP for the State.
Mr. Pankaj Kumar, IPS, DCP, P-II
with Inspector Shyam Sunder, SHO,
SI Ajay Kumar, Ps Bawana & W/SI
Rita, PS Prashant Vihar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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29.11.2016

1. By the present application, the petitioner seeks regular bail in case FIR No.887/2015, under Sections 376/506/195A IPC registered at Police Station Prashant Vihar.

2. In the FIR, the complainant alleged that she had earlier lodged FIR No.588/2014 under Section 376/511/324 IPC against the petitioner at PS Netaji Subhash Place on 27th June, 2014. She further stated that on the night of 18th July, 2015 when she was at her house with her sister, the petitioner came to her house with the acid bottle in his hand and forcibly sent her sister out of the house. Thereafter, he bolted the door from inside and had physical relation with her without

her consent. He also threatened to kill her and her family members if she did not withdraw case FIR No.588/2014.

3. A perusal of the record reveals that the statement of the prosecutrix in case FIR No.588/2014 was recorded on 1st July, 2014 itself wherein she did not support her allegations. The petitioner in the present case alleged extortion claiming that there are messages demanding money and phone calls were being made to them.

4. This court called for a status report from the Joint Commissioner of Police, Northern Range after verifying the facts. As per the status report, the allegation of the mother of the petitioner is that after registration of an FIR on 27th June, 2014, the prosecutrix took ₹3 lacs from her to change her statement and gave retracted statement as noted above. It is further alleged that thereafter on 22nd November, 2014, the prosecutrix got a case registered against four boys being FIR No.1054/2014 at PS K.N. Katju Marg again alleging molestation and threat and demanded money. The mother of the petitioner further alleged that on 29th July, 2015, her son Manoj received a call and message from Mobile No.9953537521 from the complainant demanding ₹10 lacs and threatening. She further alleged that on 1st August, 2015 and 7th August, 2015, she received phone from two mobile numbers again demanding money from her son Manoj. The factums of the three cases registered at the instance of the complainant have been verified. As per the status report, text message demanding money was found in the phone of the mother of the petitioner and the message was purportedly received from

Mobile No.9953537521. The instrument has been seized and sent to the FSL. Further, a phone call was also found to be received from Mobile No.9250086907 which phone belonged to the sister of the complainant on 1st August, 2015. Despite repeated summons, the prosecutrix has not deposed before the Court either in FIR No.887/2015 or in FIR No.588/2014 till date.

5. Considering the facts and circumstances of the case, this court finds it fit to grant bail to the petitioner. 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 to the satisfaction of the trial court; further subject to the condition that he will not leave the country without prior permission of the court.

6. The bail application is disposed of.

7. *Dasti.*

MUKTA GUPTA, J.

NOVEMBER 29, 2016
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