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

+ **BAIL APPLN. 1839/2016**

CHAND BABU

..... Petitioner

Through : Mr. Manoj Kumar, Adv.

versus

STATE

..... Respondent

Through : Mr. Mukesh Kumar, APP with
W/Inspector Sarita PS Seelam Pur.
Mr. Nafees Ahmed, Adv. for victim.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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03.10.2016

Learned counsel for petitioner submits that petitioner is the neighbour of prosecutrix. Petitioner has been falsely implicated in this case. Prosecutrix was having relations with Moisin. She ran away with him. Sister of prosecutrix was also with them. They went from places to places and stayed together. Sister of prosecutrix was with her all along and petitioner did not promise to marry the prosecutrix. From 22nd July, 2016 till 8th August, 2016, prosecutrix along with her sister stayed at different places without raising any protest. She did not complain to any person on the way while she moved in trains and buses. She also did not complain to any neighbour that she was raped. Even Bushra has not stated so, though

Bushra had stayed with prosecutrix all along.

Learned additional public prosecutor has opposed the grant of bail to petitioner. It is submitted that petitioner was having friendly relations with prosecutrix. He promised to marry her. Petitioner represented the prosecutrix that he will marry her in Court on 23rd July, 2016. Prosecutrix along with her sister Bushra went to Shahdara Railway Station along with petitioner. Petitioner left them at Railway Station and went away on the pretext of bringing water bottle and he did not return. Prosecutrix and Bushra went to Muzaffar Nagar and from there they came back to Shahdara Railway Station. Prosecutrix talked to Moisin, friend of petitioner, on phone, who called them at Khureji. Thereafter, prosecutrix along with Bushra stayed at the house of Moisin. On 25th July, 2016, petitioner rang up prosecutrix and called them to Allahabad, on the pretext that he would marry her there on 29th July, 2016. Prosecutrix, Bushra along with one Salman went to Allahabad and stayed in a hotel till 3rd August, 2016. During this period, petitioner established physical relations with the prosecutrix on the pretext that he would marry her. On 3rd August, 2016, all of them came back at Delhi and started living in the house of Moisin. Petitioner again promised that he will marry the prosecutrix on 7th August, 2016 in Court.

However, he did not marry the prosecutrix. He went away. Thereafter, Moisin had sex with the prosecutrix forcibly.

Keeping in mind the totality of facts and circumstances, the petitioner, who is in custody for last about one and a half month, is admitted to bail subject to his furnishing a personal bond in the sum of ₹25,000/- (Rupees Twenty Five Thousand Only) with one surety of the like amount to the satisfaction of concerned MM/CMM.

Application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

OCTOBER 03, 2016/dk