

\$~1

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

+ **BAIL APPLN. 1887/2016**

DHARMENDER CHAUDHARY @ BUNTY Petitioner

Through :Mr. R.P.A. Jaiswal and Mr. A.K.
Badal, Advs.

versus

STATE Respondent

Through :Ms. Neelam Sharma, APP with Mr.
SI Rajiv, P.S. Jaitpur

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **17.10.2016**

Learned counsel for the petitioner submits that petitioner was not named by the prosecutrix in her statement under Section 161 Cr.P.C. A missing report was lodged by the uncle of prosecutrix alleging therein that prosecutrix was missing from the house since 29th November, 2014. On 30th November, 2014 prosecutrix herself rang up her uncle. She named only Nisar Ali in her statement under Section 161 Cr.P.C. In her subsequent statement under Section 164 Cr.P.C., prosecutrix has named the petitioner as

the person, who has made the video clip. In her statement under Section 161 Cr.P.C., prosecutrix had not mentioned about making of any video clip by the petitioner. Video clip has not been recovered. Nisar Ali has already been granted bail.

Learned APP has opposed the grant of bail to the petitioner relying upon the statement under Section 164 Cr.P.C. She submits that prosecutrix was about 16 years and 10 months old at the time of incident. She has stated in the statement under Section 164 Cr.P.C. that co-accused Firoz had committed rape upon her in March, 2013. Petitioner had made video clip. Thereafter, co-accused Firoz, petitioner and Nisar Ali used to blackmail her by saying that they would put that video clip on the net. On this pretext, Firoz committed rape on several occasions. Nisar Ali committed rape on the date of incident, that is, 29th November, 2014. Investigations are complete. Charge-sheet has already been filed.

Keeping in mind the totality of facts and circumstances, petitioner is admitted to bail, subject to his furnishing a personal bond in the sum of ₹20,000/- (Rupees Twenty Thousand Only) with one surety in the like amount to the satisfaction of the trial court.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

OCTOBER 17, 2016

rb