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

+ **BAIL APPLN. 2171/2016**

PARVEEN

..... Petitioner

Through: Mr. U.A. Khan, Saeed Ahmad and
Sharukh Khan, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Radhika Kolluru, APP with SI
Pawan Kumar, PS Harsh Vihar

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

24.10.2016

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CRL.M.A. 16483/2016

Exemption allowed, subject to all just exceptions. The application stands disposed of.

BAIL APPLN. 2171/2016

Issue notice. Notice is accepted on behalf of the State. Learned counsels have advanced their submissions on the basis of the record.

The petitioner has preferred the present application to seek regular bail in case FIR No.170/2016 under Section 376/384/323 IPC registered at PS Harsh Vihar. The petitioner is in judicial custody since 07.06.2016. The submission of learned counsel for the petitioner is that the complainant/

prosecutrix admittedly was known to the petitioner since 2008; she got married in 2010 and the petitioner was in contact with her husband and with her; the husband of the complainant/ prosecutrix expired in 2015 and she returned to her parental home, whereafter the petitioner was in contact with her; the complainant/ prosecutrix pursued her claim against her in-laws and when that matter was settled, the petitioner was accompanying her, and; the complainant/ prosecutrix stayed with the petitioner at his residence between August/September 2015.

Learned counsel submits that the complainant/ prosecutrix has claimed that she was not aware of the petitioner being married, which itself is highly doubtful in the aforesaid circumstances. Though she claimed that the petitioner raped her and assaulted her on 08.05.2016, she did not get herself medically examined. The charge sheet has already been filed. Learned counsel states that in these circumstances, the petitioner is no longer required to be detained in custody at the pre-trial stage.

Learned APP submits that the evidence of the public witnesses has not been recorded yet.

Having heard learned counsels, I am of the view that merely because evidence of the prosecution witnesses has not been recorded is no ground to detain the petitioner any longer looking to the facts and circumstances and the allegations made in the case. Accordingly, the application is allowed. The petitioner is directed to be released on bail upon furnishing personal bond with one surety in the sum of Rs.20,000/- to the satisfaction of the Trial Court. This is further subject to the condition that the petitioner shall not contact the complainant or any of the witnesses or try to influence them. At the time of his release, the petitioner shall provide his mobile number and

his address, and the same shall not be changed without prior intimation to the Trial Court.

The application stands disposed of. Dasti.

VIPIN SANGHI, J

OCTOBER 24, 2016

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