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

+ BAIL APPLN. 2654/2016

NOORSABA @ PINKI Petitioner

Through Mr.Sanjay Kumar, Adv.

versus

STATE (NCT OF DELHI) Respondent

Through Mr.Ashish Dutta, APP with W/SI
Khusboo, PS Khajuri Khas.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **23.12.2016**

CrI.M.A. 20095/2016 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 2654/2016

Arguments heard.

The present application has been filed under Section 438 read with Section 482 Cr.P.C. for the grant of anticipatory bail in FIR No.793/2016, under Sections 376/506/384 IPC, Police Station Khajuri Khas.

As per FIR, the allegations levelled are that the prosecutrix made a statement to the police that one year back, her step sister Noorsaba @ Pinki and her husband Irshad introduced the prosecutrix

with Mohd. Hussain @ Soni and recommended him for giving tuition to the children of the prosecutrix. Accused Mohd. Hussain taught the kids of the prosecutrix well for about six months. About six months back, one day accused Mohd. Hussain told the prosecutrix that her sister Noorsaba was calling her. Prosecutrix went to the house of the petitioner/accused where she was offered tea by the accused who shortly left thereafter. After consuming tea, the prosecutrix felt giddiness and became unconscious. On regaining consciousness, the prosecutrix found herself naked and she saw accused Hussain in front of her. When the prosecutrix questioned accused Hussain as to why he had done such a thing, in the meanwhile accused/petitioner Noorsaba also came there. Prosecutrix started weeping on which accused pacified her and told her not to tell this to anyone. Due to fear, the prosecutrix dressed herself and went back to her home. After a few days, accused Hussain started blackmailing the prosecutrix with a video that he had shot of the said incident and threatened her to show the same to her kids and further blackmailed her into building sexual relations with him. It is also alleged that the accused person also extorted Rs.1 lakh from the prosecutrix. When the husband of

the prosecutrix asked for the money to be deposited in the bank, she narrated the entire story to her husband.

On the basis of statement of the prosecutrix, FIR of the instant case was registered.

Argument advanced by the counsel for the petitioner is that the allegations levelled against the accused/petitioner are false. Accused is the mother of three children and at present she is pregnant for more than eight months. Co-accused Mohd. Hussain was very well known and was having warm relationship with the complainant and her husband from more than five years. It was further submitted that the accused has been falsely implicated as she had caught the complainant in compromising position with accused Mohd. Hussain. The complainant was having consensual physical relationship since long and when the petitioner/accused objected to the same, she has been booked in the present case.

As per the allegations contained in the FIR, the petitioner/accused called the prosecutrix in her house where the prosecutrix was allegedly given tea laced with sedatives. After drinking tea laced with sedative, she became unconscious and as per the statement of the

prosecutrix, co-accused Mohd. Hussain committed rape upon her and thereafter she was blackmailed with the alleged video of said act.

The role attributed to the accused/petitioner is specific that she had played an active role which led to commission of rape of the prosecutrix.

In view of the seriousness of the allegations and the facts and circumstances mentioned above, this Court does not find any ground to grant anticipatory bail to the petitioner/accused.

Before parting with the order, this court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case.

Bail application is accordingly dismissed.

P.S.TEJI, J

DECEMBER 23, 2016
dd