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

+ BAIL APPLN. 2219/2015 & CRL.M.B. 7961/15

SURESH KUMAR & ANR.

..... Petitioners

Through : Mr.Digvijay Kumar, Advocate.

versus

STATE OF NCT OF DELHI

..... Respondent

Through : Mr.Vinod Diwakar, APP with SI
Komal Rathi.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **04.02.2016**

1. The petitioners seek anticipatory bail under Section 438 Cr.P.C. in case FIR No.953/2015 under Section 376D IPC PS Ambedkar Nagar. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. Counsel for the petitioners urged that the instant FIR has been lodged to pressurize 'X' (assumed name) (the victim in case FIR No.785/2015 under Sections 376/506/342/323/34 IPC PS Ambedkar Nagar) their close relative (niece of petitioner No.1 – Suresh Kumar and sister of petitioner No.2 Bhanu @ Yogesh Kumar) to withdraw the said case. The petitioners were present at their places of work at the relevant time and certificates to that effect have been given by the concerned authorities. Learned Addl. Public Prosecutor urged that considering the serious allegations against the petitioners they are not entitled for anticipatory bail.

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3. Perusal of the police file reveals that in the FIR lodged on 15.09.2015, the victim 'Y' (assumed name) has specifically named Suresh Kumar (Petitioner No.1) to have committed rape upon her on 09.09.2015. She further implicated petitioner No.2 - Bhanu @ Yogesh Kumar to have outraged her modesty at the said time. The occurrence was reported to the police promptly and DD No.49A dated 09.09.2015 at 09.58 p.m. came into existence at PS Ambedkar Nagar. Status report reveals that the complainant has nothing to do with the FIR No.785/2015. Plea of alibi set up by the petitioners is to be considered during trial. Call Details Record in the police file shows the presence of the petitioner Suresh Kumar on 09.09.2015 at 06.07 p.m at Madangir Camp.

4. Considering the gravity of the offence and serious allegations against the petitioners, it is not a case for grant of anticipatory bail. The bail application is dismissed. Pending application also stands disposed of.

S.P.GARG, J

FEBRUARY 04, 2016 / tr