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

DECIDED ON : 11th FEBRUARY, 2016

+ **BAIL APPLN. 2267/2015**

SAJID Petitioner

Through : Mr.Satish Tamta, Advocate.

versus

THE STATE Respondent

Through : Mr.Amit Gupta, APP.
ASI D.K.Tyagi.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.Garg, J. (Oral)

1. The petitioner seeks anticipatory bail in case FIR No.443/2015 under Sections 376/506 IPC registered at PS Sonia Vihar. Status report is on record.

2. I have heard the learned counsel for the parties. Petitioner's counsel urged that a false FIR has been lodged to pressurize the petitioner to settle the dispute in case FIR No.236/2014 registered under Sections 376D/363/34 IPC and Sections 4 & 6 POCSO Act at PS Sonia Vihar on

26.05.2014. The victim in the said FIR is petitioner's cousin (Mausi's daughter). Four persons namely Rashid, Sazaad, Naved and Chandal have been arrested in the said case. Pursuant to the conspiracy hatched after registration of the FIR No.236/2014, the instant FIR has been lodged by the wife of their nephew. As per letter written by Dilshad r/o House No.56, village Badarpur, Khadar to the Deputy Commissioner of Police, no such incident intervening 19/20.08.2015 had taken place. Victim in the instant FIR and her husband were living in village Badarpur, Ghaziabad (U.P.) and never resided as tenants in Salma (Dilshad's wife)'s house. Bail is opposed by the State stating that the allegations against the petitioner are serious in nature.

3. The occurrence allegedly took place on the night intervening 19/20.08.2015 at around 01.00 a.m. FIR was lodged promptly on the next day i.e. 20.08.2015. The petitioner was specifically named in the FIR to have committed rape upon the prosecutrix. She was medically examined on 20.08.2015. In her 164 Cr.P.C. statement, she reiterated her version and informed the Presiding Officer that she was under threat to settle the dispute. The petitioner has not joined the investigation so far. A letter dated 04.11.2015 purportedly written by the victim to the DCP has been placed on record whereby she had resiled from her previous version and

exonerated the petitioner. Seemingly, the victim was put in pressure to write letter dated 04.11.2015. Letter written by Dilshad reveals that the victim and her husband were lived as tenants in House No.56, Khasra No.17, Badarpur Khadar. It belies the petitioner's contention that the victim never resided in the said rented accommodation. Initially, bail was sought by the petitioner alleging that a dispute had taken place on 18.08.2015 over payment of supply of milk with the victim and the petitioner. Subsequently, another application for anticipatory bail was moved alleging that due to put pressure to settle the FIR No.236/2014 the instant FIR has been lodged.

4. Considering the gravity of the offence and serious allegations against the petitioner, no sufficient ground exists to grant anticipatory bail. The bail application is dismissed.

5. Observations in the order shall have no impact on merits of the case.

(S.P.GARG)
JUDGE

FEBRUARY 11, 2016 / tr