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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2475/2015

RANA KUMAR GUPTA @ SURAJ

..... Petitioner

Through

Mr. Raj Kumar Rajput, Advocate

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through

Mr Ashok Kumar Garg, Additional Public
Prosecutor for the State along with SI
Ramphal, Police Station S.J. Enclave

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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28.03.2016

1. This is an application moved by the petitioner/applicant u/s 439 Cr.P.C. r/w Section 482 Cr.P.C. for grant of regular bail in FIR No.204/2011 u/s 363 IPC registered with Police Station Sangam Vihar.

2. Counsel for the petitioner submits that co-accused having much serious role than the present applicant have already been released on bail. Reliance is placed on WP(C) No.406/2013 *Re-Inhuman conditions in 1382 prisons* for submitting that the petitioner has already remained in jail for more than half of the period of the minimum sentence. As such, he be released on bail. Moreover, the complainant/prosecutrix has already been examined. That being so, there is no possibility of tampering with evidence. The petitioner has already remained in jail for about four years.

3. The application is opposed by the learned Additional Public Prosecutor for the State on the ground that the allegations are serious in nature. The prosecutrix was sexually assaulted and was forced to indulge in prostitution.

4. As per record, on the basis of complaint made by the prosecutrix, seven persons were arrested including the complainant of this case. The allegations

against co-accused Puja and Arti were forcing the prosecutrix to indulge in prostitution. However, as per the orders placed on record, both these accused have been released on bail by the learned Additional Sessions Judge. It is submitted that the applicant was running a taxi and he was victimized of the situation being the taxi driver. Otherwise, there are no allegations against him of commission of rape or forcing the prosecutrix to indulge in prostitution. As per the nominal roll dated 8th February, 2016, the petitioner is in jail for the last four years. The prosecutrix has already been examined before the Trial Court. As such, there is no possibility of tampering with evidence.

5. As such, keeping in view the totality of the facts and circumstances, the petitioner is admitted to bail on furnishing a personal bond in the sum of Rs.50,000/- with two sureties in the like amount to the satisfaction of the learned Trial Court. He is further directed not to leave the Union Territory of Delhi without the permission of Trial Court and shall report on First Monday of every month before the concerned SHO, Police Station Sangam Vihar. He shall also furnish his address as well as contact number to the Trial Court as well as to the concerned SHO and also intimate change of address, if any.

Application stands disposed of.

Copy of the order be given *dasti* to counsel for the petitioner.

SUNITA GUPTA, J

MARCH 28, 2016/*rs*