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

+ **BAIL APPLN. 2763/2015**

MOHINI @ MONI

..... Petitioner

Represented by: Mr. A.K. Mishra and Mr.
Kishan Singh, Advocates.

versus

THE STATE

..... Respondent

Represented by: Mr. Ashok K. Garg, APP for
the State with W/SI Sarita, PS
Badarpur.
Ms. Zehra Khan, Advocate for
the complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

26.09.2016

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1. By the present petition the petitioner seeks bail in case FIR No.499/2015 under Sections 376/342/506/120B/377/109 IPC and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act') registered at PS Badarpur, Delhi.

2. The petitioner is the sister of the main accused who is alleged to have raped the prosecutrix thrice over a time span of five months. The main accused is in custody and this is an application by his sister against whom the allegations in the FIR by the prosecutrix, who is a minor, are that on 14th February, 2015 the petitioner gave her a chocolate and rose and then called her at her house whereafter she locked her in a room and Surrender, the main accused established relationship with her. So that no one could hear the voice, the petitioner played loud music. Though in the FIR there is no

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allegation against Surender for committing the rape thrice however in the statement recorded under Section 164 Cr.P.C. the prosecutrix has alleged that the second time she was raped at her own house and third time Surender took her at the flat of his sister, that is, the petitioner herein.

3. Since the complaint was lodged after 20 days of the third incident the MLC only revealed that hymen was found torn however, prima facie the allegations of anal intercourse were not substantiated by the MLC.

4. As regards the petitioner is concerned, her role is of abetment. The petitioner had been granted interim bail by the learned Additional Sessions Judge vide order dated 18th January, 2016 for the reason she was at advance stage of pregnancy and thereafter she delivered a child on 15th March, 2016.

5. Considering the fact that the role assigned to the petitioner is of abetment and she has an infant child to look after, who is six months old at the moment, I deem it fit to grant bail to the petitioner.

6. It is, therefore, directed that the petitioner be released on bail on her furnishing a personal bond in the sum of ₹25,000/- with two sureties of the like amount, out of which one surety will be of a family member of the petitioner, subject to the satisfaction of the learned Trial Court, will not leave the NCR without the prior permission of the court concerned.

7. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 26, 2016

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