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

+ **BAIL APPLN. 17/2016**

SURENDER SINGH

..... Petitioner

Represented by: Mr. Shivam Chowdhry, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: Mr. Hirein Sharma, APP with
WSI Koyal, PS Nihal Vihar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **30.09.2016**

By the present petition the petitioner seeks bail in case FIR No.702/2014 under Section 376-D/109 IPC, Section 6 of POCSO Act & Section 5 ITP Act.

The allegations in the FIR against the petitioner by the complainant were that her father re-married due to which she was residing with her maternal grand-parents at Delhi. Her maternal grand-mother was working in a factory and on 30th October, 2014 her maternal grand-mother scolded her due to which she left the house. On the way she met a lady who told her name as Aarti and took her to her house. She ate chowmin and momos and thereafter she felt asleep. It is alleged that the landlord of the premises where Aarti was residing i.e. Rajbir thereafter took her at the back of his

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office and committed rape on her. After Rajbir committed rape, he called one boy Surender who also committed rape on her.

The prosecutrix has been examined in Court. Neither in her examination-in-chief nor cross-examination by the learned APP she has supported the prosecution version. Without commenting further as to whether on the basis of circumstantial evidence or medical evidence, the petitioner can be convicted for the offence charged with, since the material witness i.e. the prosecutrix has already been examined, I deem it fit to grant bail to the petitioner. It is therefore directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with two sureties of the like amount subject to the satisfaction of the learned Trial Court, further subject to the condition that he will not leave the country without the prior permission of the Court concerned.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 30, 2016
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