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

+ **BAIL APPLN. 175/2017**

SONU SHARMA

..... Petitioner

Through: Mr. Sameer Chandra and Ms. Alka
Sharma, Advocates

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Akshai Malik, APP with SI Saroj,
PS Vasant Kunj (S)

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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01.05.2017

The first information report (FIR) no.11/2017 has been registered on 11.01.2017 for investigation into offence allegedly committed as those punishable under Sections 342, 365, 376 IPC in police station Vasant Kunj (South).

As per the allegations of the prosecutrix, she concededly a married woman with children, was subjected by the petitioner, son of the landlord of the house, where she was living alongwith her daughter at the relevant point of time, to abduction and being taken to a house in Mahipalpur, Delhi to be confined there for four months and repeatedly raped during the said period. As per her version, on finding an opportunity, with the petitioner away, she escaped from the

said confinement on 10.01.2017 to lodge the FIR.

The petitioner's case is that the prosecutrix had had a quarrel with her husband and, therefore, had on her own shifted residence but had remained in constant touch with him on telephone. The telephonic contact with the petitioner as also use of a specific mobile phone available to her during the period in question is shown to have been confirmed by the investigation.

Noticeably, the prosecutrix remained away from the society of the husband for over four months and, yet, he did not file any report about his wife and daughter having gone missing.

In the facts and circumstances, the defence plea raised by the petitioner cannot be lightly brushed aside. Though the matter would require investigation, the petitioner deserves protection.

The application is allowed. It is directed that in the event of he being arrested, the petitioner shall be released on bail on he furnishing a personal bond in the sum of Rs.20,000/- with one surety in like amount to the satisfaction of the arresting officer subject to the conditions that he shall continue cooperating with the investigation and join the same as and when called upon to do so and shall not come in contact with or try to influence any of the witnesses connected to the case.

It is made clear that this order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued

against him by the court of cognizance.

Dasti.

MAY 01, 2017

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R.K.GAUBA, J.

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