

\$~13

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

+ BAIL APPLN. 334/2017

DINESH CHAND

..... Petitioner

Through Mr.M.P. Sinha & Ms.Mumtaj, Advs.

versus

STATE

..... Respondent

Through Mr.Ashish Dutta, APP with SI Jasbir Singh, PS Ranhola.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **27.02.2017**

Arguments heard.

The present application has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.905/2016, under Sections 354/354B/452/323/506/341 IPC and Section 8 of the POCSO Act, Police Station Ranhola.

As per FIR, the allegations levelled are that the complainant made a statement to the police that on 09.12.2016 at about 12 midnight, three persons forcibly entered the house of the complainant whereas their fourth associate was standing downstairs. It was further alleged that the accused persons made an attempt to rape the daughter of the complainant. It was further alleged that on the day of incident, the complainant heard the door knocking. When the complainant opened the door, three persons entered her room forcibly. Accused

Ramesh and Ajay Rai caught the daughter of the complainant with her hands and legs and pulled her with ill intention. When the complainant tried to save her daughter, accused Ramesh Chand tore her clothes. Children of the complainant raised an alarm and then she made a call to the police at no.100. Thereafter, the accused persons fled away. The complainant raised an apprehension that the accused persons may harm her. She further stated that she was scared of accused Ajay Rai who is a man of criminal antecedents and had been to jail twice in rape cases.

On the statement of the complainant, FIR of the instant case was registered.

Argument advanced by the counsel for the petitioner is that the story placed by the complainant is completely cooked up. There is previous enmity between the complainant and the accused persons and with a view to book them harshly, the allegations of rape and offence under the POCSO Act have been levelled in the present case. It is further submitted that the complainant is in a habit of levelling false allegations against the accused persons and lodged several cases against them. It is further submitted that the applicant does not have any connection with the co-accused Ajay Rai.

On the other hand, learned APP for the State opposed the bail application on the ground that the allegations levelled against the accused are serious in nature. Several raids were conducted to nab the accused persons but they are evading arrest.

There are specific allegations levelled against the petitioner/accused that he along with his co-accused persons forcibly entered the

house of the complainant and then attempted to commit rape upon the daughter of the prosecutrix. It is also specifically alleged against the petitioner/accused that the daughter of the prosecutrix was caught with her hands and legs and when complainant tried to save her daughter, her clothes were torn by the accused persons.

During the course of arguments, it has also been submitted that the statement of the complainant under Section 164 Cr.P.C. was recorded in which she reiterated the allegations made at the time of lodging the FIR. The circumstances brought on record show that the petitioner/accused along with other co-accused persons are evading arrest and are at large.

In view of the above mentioned facts and circumstances, discussion made above and the seriousness of the allegations, this Court is not inclined to grant anticipatory bail to the accused/petitioner.

Bail application is accordingly dismissed.

P.S.TEJI, J

FEBRUARY 27, 2017
dd