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

+ BAIL APPLN. 470/2017

ROOP SINGH

..... Petitioner

Through: Mr.S.A.Rajput, Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms.Kusum Dhalla, APP for State with
W/SI Anita, P.S. Vikas Puri, Delhi.
Mr.Sandeep Lamba, Advocate for
complainant.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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17.03.2017

CRL.M.A.4446/2017 (Exemption)

Exemption granted, subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 470/2017

This is an application under Section 439 Cr. P.C. filed on behalf of the petitioner for grant of bail in case FIR No.79/2017, under Section 376 IPC registered at Police Station Uttam Nagar, Delhi.

Counsel for the petitioner has submitted that the petitioner is a law-abiding citizen and the allegations as alleged in the aforesaid FIR are false and baseless. Counsel further submits that the petitioner is not required for further investigation and he is in judicial custody since 15.02.2017. Counsel further submits that the victim is a major aged 35 years having two children and as per the FIR there was business transaction between them and due to misunderstanding arisen qua against the petitioner, the victim/complainant got registered the FIR in question and since the petitioner is not required for

further investigation, he may be released on bail.

Learned APP for the State, on the other hand, vehemently opposes the bail application and submitted that the allegation is supported in the statement of the victim recorded under Section 164 Cr.P.C.

Heard learned counsel for the petitioner and learned APP for the State and perused the record. It is apparent on the face of the record that the victim, as per the FIR, is 35 years old having two children and living separately for the last seven years. Since, as per the FIR, there was monetary transaction between the parties and on the date of the alleged incident, i.e. 15th February, 2017, the petitioner along with four other co-accused persons visited the place of the victim and there is no specific allegation qua against the present petitioner to commit the offence under Section 376 IPC on the date of the alleged incident and the petitioner is in judicial custody since 15.02.2017, I admit the petitioner on bail, on his furnishing bail bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the concerned MM with the condition that he shall not leave India without prior permission of the Court below and shall not tamper with the prosecution evidence and shall not make any telephonic call to the victim and also shall not visit the house of the victim.

The application is allowed and stands disposed of in the above terms.

Copy of this order be given *dasti*, as prayed.

I.S.MEHTA, J

MARCH 17, 2017

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