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

+ **BAIL APPLN. 590/2017**

YAMEEN @ AAMIN

..... Petitioner

Through: Mr. Abhishek K. Rao, Mr. Shailesh
Suman and Ms. Bhavya Bharti, Advocates

versus

GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Amit Chadha, APP with Sub
Inspector Om Prakash, Police Station Badarpur

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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11.04.2017

The investigation into FIR no.604/2015 registered at the instance of the victim woman has resulted in a charge-sheet being submitted in the competent court seeking prosecution of the petitioner for offence under Section 326 A IPC.

From the material on record, it is clear that the victim was the first informant of another FIR earlier lodged it being FIR no.1198/2015 under Section 376 IPC in police station Dabri against Salman, brother-in-law of the applicant. When the incident, which is the subject matter of the case at hand statedly occurred, the said case under Section 376 IPC was under trial against said Salman. As per the allegations in the case at hand, the applicant with his said brother-

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in-law Salman had accosted the victim in the street and thereafter having pursued her voluntarily caused grievous hurt to her by use of acid. The applicant concededly had to be declared proclaimed offender as his arrest could not be effected in the wake of the registration of the FIR. He has since surrendered to the custody of the concerned court on 22.02.2016 whereafter the question on charge was considered. Concededly charge has already been found made out on the basis of evidence that has been presented against the applicant. This by itself shows that there is substantive material available against him indicating *prima facie* his complicity.

Having regard to the conduct of the applicant and the background facts and the gravity of the offence involved, this hardly being a case to undertake a roving inquiry into the probity of the evidence particularly of the prosecutrix, the result of the rape case notwithstanding, no case is made out for release of the applicant on bail.

The application is dismissed.

R.K.GAUBA, J

APRIL 11, 2017

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