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

DECIDED ON : 24th MARCH, 2017

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MS.TAMANNA

CRL.M.C. 1546/2015

..... Petitioner

Through : Mr.Sushant Mukund, Advocate.

Versus

STATE OF NCT & ORS.

..... Respondents

Through : Ms.Meenakshi Dahiya, APP.

Mr.Salim Malik, Advocate for R2 to R5.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

1. Present petition under Section 439 (2) Cr.P.C. read with Section 482 Cr.P.C. has been filed on behalf of the petitioner for setting aside of an order dated 30.09.2014 whereby the respondents No.2 to 5 (hereinafter referred as 'the respondents') were granted bail in case FIR No.236/2014 registered under Sections 363/376D/34 IPC and Sections 4/6 POCSO at PS Sonia Vihar. Status report is on record. The petition is contested by the respondents.

2. I have heard the learned counsel for the parties and have examined the file. Undisputedly, the respondents are facing trial in case FIR No.236/2014 registered at PS Sonia Vihar. By an order dated 30.09.2014,

the respondents were granted bail upon certain conditions. At the time of grant of bail, the respondents were in custody since 27.05.2014.

3. Perusal of the trial court record reveals that the prosecutrix 'X' (assumed name), her sister - Ms.Bushra and other material witnesses have already been completely examined. Only certain police officials remain to be examined.

4. Record does not reveal if the prosecutrix or any of her family members was ever threatened or criminally intimidated by the respondents. No such complaint was ever made to the learned Presiding Officer any time either by the prosecutrix or her family members.

5. Learned counsel for the petitioner informed that Ms.Ifat Sultana, Advocate had appeared on behalf of the victim on various dates before the Trial Court. She, however, filed an application (Annexure 'C') dated 16.08.2014 seeking bail for one of the respondents i.e. Naved. The respondents have categorically denied if Ms.Ifat Sultana was ever engaged by them as an advocate to represent them. It is unclear as to how and under what circumstances the application (Annexure 'C') came into existence. The Trial Court was not apprised about it. Nothing has emerged if any complaint was lodged by the victim against Ms.Ifat Sultana, Advocate for her professional misconduct before Bar Council. On that score alone, bail granted to the respondents on merits cannot be cancelled specially when the respondents were being represented by another counsel Mr.Salim Malik, Advocate.

6. Considering the facts and circumstances of the case, I find no sufficient ground to cancel the bail.

7. The petition lacks in merits and is dismissed.

8. Trial Court record be sent back forthwith with the copy of the order.

(S.P.GARG)
JUDGE

MARCH 24, 2017 / *tr*

