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

+ **BAIL APPLN. 731/2017**

SONU CHOUHAN

..... Petitioner

Through Mr. Rohit P. Ranjan, Adv. with
Mr. Himanshu Kapoor & Mr. S.
Srivastava, Advs.

versus

STATE NCT OF DELHI

..... Respondent

Through Dr. M.P. Singh, APP for the State.
W/SI Rani, PS C.R. Park.
ASI Tulli Ram, PS Badar Pur.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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25.05.2017

The petitioner seeks bail in connection with FIR No.392/2016 dated 30.09.2016 (PS Badarpur) instituted for the offences under sections 376/328 of the IPC.

It has been submitted on behalf of the petitioner that the case is absolutely false, which could be discerned from the narration made in the complaint itself. The prosecutrix knew the petitioner from before and had been living with him.

The petitioner is alleged to have mixed some stupefying substance in the cold drink which was offered to her whereafter she is alleged to have been ravished. This allegations do not inspire confidence, inasmuch as, admittedly, the prosecutrix had been staying with the petitioner for a long

time at different locations.

The records reveal that the petitioner had himself visited the police station on 08.11.2016 when he was subjected to medical examination and was also arrested. The prosecutrix has not yet been examined at the trial.

Out of 18 cited witnesses, not even one witness has yet been examined before the Trial Court so far.

Be that as it may considering the nature of accusation and the circumstances attending the case, this Court is inclined to grant bail to the petitioner.

The petitioner is directed to be released on bail on his furnishing a bond in the sum of Rs.10,000/- with two sureties of the like amount to the satisfaction of the Trial Court.

It is however made clear that in case the petitioner threatens the prosecutrix or makes any attempt to tamper with the evidence, it would be open for the state to apply for cancellation of his bail. The petitioner shall participate in the Trial and his absence in the Trial Court on the three consecutive dates without any plausible explanation would further entitle the state to ask for cancellation of his bail.

ASHUTOSH KUMAR, J

MAY 25, 2017
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