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

+ BAIL APPLN. 820/2017

FAHIM ALI KHAN

..... Petitioner

Through Mr.Anil Kumar Narang & Mr.Rajeev
Kumar, Advs.

versus

THE STATE GNCT OF DELHI

..... Respondent

Through Mr.Kewal Singh Ahuja, APP with SI
Bijender, PS Swaroop Nagar.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **16.05.2017**

Arguments heard.

The present application has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.397/2015, under Sections 366/376 IPC, Police Station Swaroop Nagar.

As per FIR, the allegations levelled are that the prosecutrix aged 17 years had alleged that she had developed friendly relations with accused Fahim since the past six months and they used to roam around and the same was not known by her family. She further alleged that the accused Fahim used to take her out without her permission and commit rape upon her while stating that he would marry her. On 11.07.2015, accused called the prosecutrix to say that she should come his hometown in U.P. where they would get married. On reaching the said place, the accused did not take her to his own

house rather to his aunt's house where the prosecutrix was kept for two days and accused committed rape upon her on saying that he would marry her after Eid. On 13.07.2015, the accused dropped the prosecutrix near her house on the pretext of bringing sweets but he did not return. Thereafter, the prosecutrix tried to call him but his phone was switched off.

On the basis of allegations levelled, the FIR of the instant case was registered.

Argument advanced by the counsel for the petitioner is that the investigation is already complete and charge sheet has been filed in the Court. All the allegations are false. The prosecutrix has made the allegations at the instance of Shahnawaj who is having property disputes and some property cases with the petitioner/accused. The petitioner did not know the complainant so there was no question of having any friendship between them or taking of the prosecutrix to Sambhal, U.P.

From the allegations levelled, it is specifically mentioned by the prosecutrix that she had developed friendly relations with the accused. It is further alleged against the accused that he committed rape upon the prosecutrix when he used to take her for roaming. It is specifically alleged that prosecutrix was kept in the house of aunt of accused where also he committed rape upon the prosecutrix.

Keeping in view the seriousness of allegations and the facts and circumstances mentioned above, this Court is not inclined to grant bail to the petitioner/accused.

Before parting with the order, this Court would like to place it

on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial.

The application is accordingly dismissed.

P.S.TEJI, J

MAY 16, 2017
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