

\$~2

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

+ **BAIL APPLN. 895/2017**

CHETNA

..... Petitioner

Through

Mr. Sudhir Nandrajog, Sr. Adv. with
Ms. Anandita Pujari, Mr. Ajay Arora,
Mr. Kapil Datta and Ms. Sreya
Rajappan, Advs.

versus

GOVT OF NCT OF DELHI

..... Respondent

Through

Mr. Hirein Sharma, Addl. PP for the
State with SI Richa Sharma.

CORAM:

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

%

15.05.2017

CRL. M.A. 7981/2017 (Exemption)

Exemption allowed subject to just exceptions.

Application stands disposed of.

BAIL APPLN. 895/2017

This is the 2nd application for bail, first having been dismissed on 7.11.2016.

As per the allegations, the victim, who was studying in 12th class at Sarvodya Kanya Vidayalya, had visited the house of maternal uncle Pramod @ Bunty on 28.6.2015 for attending a function and on the next date, when she went to bathroom on the first floor to have a bath, she saw her maternal paternal uncle Pramod @ Bunty and the

applicant, who was the daughter of her maternal uncle Bhupinder Kumar, lying in a compromising position, and, when she objected, both of them i.e. Pramod @ Bunty and the applicant pushed her inside the room and there, Pramod @ Bunty raped her. On another occasion, in the month of August, when she went to the house of his maternal uncle Bhupinder Kumar, the applicant, on the pretext of taking her to Bazar, took her to an unknown hotel at Paharganj and there, in a room on the ground floor, she was again made to have physical relationship with a person present in the room there. That person is also alleged to have had physical relation with the applicant thereafter. It is also alleged that in the said room of the hotel, applicant also prepared a video and threatened the victim to not to talk about the incident, failing which, she will make the obscene video viral. Besides other allegations, there also allegations for the applicant and Pramod @ Bunty blackmailing and exploiting her physically and mentally for a year. Though, the applicant was served with a notice under Section 160 Cr.P.C. and she joined the investigations on 29.8.2016, she did not join for the purpose again, at any stage. She has come to be declared PO on 22.3.2017.

Mr. Sudhir Nandrajog, Ld. Sr. Advocate appearing on behalf of the applicant, strenuously contends that she had all intentions to join the investigations, but, could not do so on account of death of her grand mother and later, having fallen sick. To support such contentions, advertence is made to the death certificate of Ms. Sita Devi-grand mother of the applicant as also the OPD card of the applicant dated 2.10.2016. As per the death certificate, the grand

mother of the applicant died on 20.9.2016. As for the sickness of the applicant, Ld. Sr. Counsel concedes that for any sickness, the applicant was not admitted to any hospital. Taken together, the death of the grand mother or the purported sickness, cannot be taken to be a circumstance beyond the control of the applicant, preventing her to join the investigations, inspite of service of notice under Section 160 Cr.P.C. Her conduct only suggests that she has been avoiding the due process of law.

Keeping in view the totality of the facts and circumstances, this Court is not convinced to grant application.

Dismissed.

Dasti.

ANIL KUMAR CHAWLA, J

MAY 15, 2017

rc