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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1094/2017**
NAVEEN KUMAR

..... Petitioner

Through: Mr.Mukul Gupta, Sr.
Advocate with Ms.Harneet Kaur,
Advocate.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr.Panna Lal Sharma, APP for State
with Insp. Avinash Tyagi, P.S.
Shahbad Dairy, Delhi.

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
30.08.2017

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This is an application under Section 439 Cr.P.C. filed on behalf of the petitioner for grant of regular bail in case FIR No.785/2016, under Sections 328/376/384/411/34 IPC, registered at Police Station Shahbad Dairy, Delhi.

Learned senior counsel appearing for the petitioner has submitted that the petitioner is an innocent person and no case under Section 376 IPC is made out and there is no medical evidence to attract the provisions of Section 328 IPC. Learned senior counsel further submitted that the victim is stated to be 22 years old and is a minor and if at all any allegation of rape subsists, the possibility of consent cannot be ruled out. He further submitted that the petitioner is in judicial custody since 03.11.2016 and the trial of the

case may take long time and no purpose would be served by keeping him in further custody till such time and prays that the petitioner may be admitted on regular bail.

Status report has been filed by the State and learned APP for the State has vehemently opposed the bail application. Learned APP, however, on instruction submits that there is no medical evidence in this case.

In these circumstances, since there is no medical evidence to substantiate the allegations and the contents of the FIR does not specifically disclose the manner of rape committed on the person of the victim, I admit the petitioner on regular bail, on his furnishing bail bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the concerned Court below with the condition that the petitioner shall not tamper with the prosecution evidence and she shall not leave the country without prior permission of the Court below and he shall not make or publish any material against the victim and he shall not contact the victim telephonically or through social media and shall not visit the house of the victim.

The application is allowed and stands disposed of accordingly. However, this order shall not affect the merits of the case.

Copy of this order be given *dasti*, as prayed.

I.S.MEHTA, J

AUGUST 30, 2017

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