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

+ **BAIL APPLN. 1196/2017**

CHUNNEY @ ROMY

..... Petitioner

Through

Mr. Salman Khurshid, Sr. Adv. with
Mr. Arpit Shukla, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through

Ms. Kusum Dhalla, Adl. PP for State
with SI Ram Pal Sipngh, PS Nihal
Vihar.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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21.06.2017

CRL. M. A. NO. 10080/2017 (exemption)

Exemption allowed, subject to just exceptions.

The application stands disposed off accordingly.

BAIL APPLN. 1196/2017

As per the FIR, the prosecutrix, a plastic rag picker, is a widow having five children, her husband having died five years before. As per the allegations, the applicant came to her house in the morning in a drunken condition on 12.11.2015 and promised to look after her children. On this, the prosecutrix is said to have given him permission to stay with her. During such stay, from 12.11.2015 to 19.11.2015, she is alleged to have been forced for the physical relations by the applicant. FIR came to be registered on 10.12.2015. Ms. Dhalla, Id.

Addl. PP, during the course of hearing, concedes that in the FIR, there is no allegation for the applicant having promised marriage, while having physical relations with the prosecutrix and that, such allegations have surfaced, when her statement came to be recorded under Section 164 Cr.P.C. Challan has since been filed and the offence under Section 174A IPC added, as the applicant-accused had come to be declared PO. It is however, a matter of record that the applicant was arrested on 23rd February, 2017 and is continuing in JC thereafter. While considering the instant application, it is not necessary to advert to any improvement(s) and/or contradiction(s) in the statements forming part of the charge-sheet. As for the judgments Tilak Raj vs. State of Himachal Pradesh (2016) 4 SCC 140 and Mr. Tejas Udaykumar Sarvaiya vs. The State of Maharashtra and ors. 2016 SCC Bombay referred to in the order of the Id. ASJ, declining the bail, it would suffice to say that each case has to be seen on its own merits.

Keeping in view the totality of the facts and circumstances, the applicant is admitted to bail on executing personal bond in the sum of ₹10,000/- with one surety of the like amount to the satisfaction of the trial Court/concerned MM/Link MM/Duty MM.

Dasti.

A. K. CHAWLA, J
(Vacation Judge)

JUNE 21, 2017

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