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

+ BAIL APPLN. 1300/2017
TAHIR

..... Petitioner

Through : Mr. Vishesh Verma, Adv.

Versus

THE STATE

..... Respondent

Through :Ms. Meenakshi Chauhan, APP with
ASI Pista Sharma, P.S. Seema Puri

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **11.07.2017**

Crl. M.A. No. 10671/2017 (exemption)

Allowed, subject to all just exceptions. Application is disposed of.

BAIL APPLN. No. 1300/2017

Learned counsel for the petitioner submits that prosecutrix is 16 years of age. She has named the co-accused Shakir @ Sau in the FIR. She has alleged that he had been committing rape upon her for the last one year prior to the incident, that is, 8th February, 2017. FIR was lodged after two days and only Shakir @ Sau was named therein. In her subsequent statement under Section 164 Cr.P.C., she has alleged that on 8th February, 2017 uncle and brother of co-accused Shakir @ Sau had also come to her house and had threatened her. Even in her statement under Section 164 Cr.P.C., she did not name the petitioner.

She has stated that Shakir @ Sau took her in a bus to Sonapat. He told her that his uncle and brother were following them in a red car. When she saw outside, she noticed a red car following the bus. Petitioner is not the uncle of Shakir and falsely implicated. Charge-sheet has already been filed against Shakir @ Sau in the Juvenile Court.

Learned APP has opposed the anticipatory bail application of the petitioner. It is contended that prosecutrix is an illiterate girl of young age. Even though, she had not name the petitioner in the FIR or in her subsequent statement recorded under Section 164 Cr.P.C. but the fact remains that petitioner is uncle of the Shakir @ Sau. Learned counsel for the petitioner submits that petitioner is a neighbour of Shakir @ Sau and not the uncle.

Keeping in mind the totality of the circumstances, it is ordered that in case of arrest, petitioner be released on bail subject to his furnishing a personal bond in the sum of ₹25,000/-(Rupees Twenty Five Thousand Only) with one surety of the like amount to the satisfaction of the Investigating Officer/Arresting Officer/SHO concerned.

Bail application is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

JULY 11, 2017/rb