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

+ **BAIL APPLN. 1548/2017**

SATYAPAL

..... Petitioner

Through Mr. B.S. Rana, Ms. Babita Ahlawat,
Mr. Satyam Sisodia and Mr. Manish
Awasthi, Advs.

versus

STATE (NCT OF DELHI)

..... Respondent

Through Ms. Meenakshi Dahiya, APP with
W/SI Anju, P.S. North Rohini
Mr. Abhishek Shrivastav, Adv. with
complainant in person

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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12.10.2017

Learned counsel for the petitioner submits that prosecutrix was working as a private Security Guard in a Mall, situated opposite to Dr. B.S.A. Hospital, Rohini, where petitioner had been working as Staff Nurse. Prosecutrix has alleged in the FIR that she had asked the petitioner to assist her in getting treatment of her daughter in the said hospital. She has also alleged that petitioner took advantage of this fact and took her to a flat situated behind the Emergency Ward and thereafter he along with one more person had raped her. Learned counsel says that prosecutrix has been taking

different stand at different stages.

During the course of hearing of the bail application, prosecutrix appeared before the Sessions Judge and stated that she had lodged the FIR against the petitioner in a fit of fury. On 10th August, 2017, Prosecutrix had appeared in the court and stated that she had named the petitioner in the FIR due to confusion and that petitioner had not raped her. She was directed to handover her affidavit in this regard to the Investigating Officer. Prosecutrix has given her affidavit to the Investigating Officer and the same has been placed on record along with the status report. In the affidavit, she has stated that she has no objection if anticipatory bail is granted to the petitioner.

Learned APP has not disputed this position, inasmuch as, a perusal of order of learned Sessions Judge, and order dated 10th August, 2017 as well as affidavit of the prosecutrix supports the contention of the learned counsel. However, learned APP submits that in the FIR and the statement under Section 164 Cr.P.c. prosecutrix has named the petitioner.

Complainant/prosecutrix is present in Court even today and reiterates that she had named the petitioner in the FIR due to some misunderstanding.

Keeping in mind the totality of facts and circumstances of the case, it

is ordered that in case of arrest petitioner be released on bail, subject to his finishing a personal bond in the sum of ₹20,000/- with one surety in the like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned police station.

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

A.K. PATHAK, J.

OCTOBER 12, 2017

r.bararia