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

+ **CRL.M.C. 3623/2017**

RAJIV BERI

..... Petitioner

Through : Mr. Abhinav Beri, Adv.

versus

STATE & ANR

..... Respondents

Through :Ms. Manjeet Arya, APP with ASI Jai
Parkash, SER Crime for the State

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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07.09.2017

Crl. M.A. No.14767/2017 (exemption)

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

CRL.M.C. no. 3623/2017

Petitioner is aggrieved by the order dated 20th July, 2017 passed by the learned Additional Sessions Judge, North – West District, Rohini Courts, Delhi, whereby respondent no. 2 has been enlarged on bail in the FIR no. 518/2017 under Sections 380/34 registered at Police Station Mangol Puri on the complaint of petitioner. Petitioner alleged in the FIR that respondent no. 2 along with one woman came to his house on 1st April, 2017 and represented that they were looking for a job. Petitioner's wife told them that they can show their work that day and bring their identity cards on the next day. Thereafter, petitioner and his wife went out. Petitioner's son aged about

26 years stayed back. After finishing the work, both the ladies left the house. While leaving they told the petitioner's son that they had completed the work. Petitioner and his wife returned late in the night. In the morning, they checked the *almirah* and found ₹1,70,000/- and gold and/or diamond jewellery, as detailed in the FIR, missing. During the investigation, respondent no. 2 was arrested and was sent to judicial custody. After about two months, respondent no. 2 was enlarged on bail by the impugned order.

Trial court has noted that respondent no. 2 had delivered a child in jail on 9th July, 2017. It has also been noted that trial was likely to take time and was futile to keep the respondent no. 2 in jail for long.

I do not find any illegality or perversity in the order assailed in this petition. Respondent no. 2 is a woman. She has delivered a child. She has remained in jail for two months. Maximum sentence as provided under Section 380 of the IPC is seven years. Involvement of the respondent no. 2 in other cases is also not relevant at this stage. The fact remains that nothing was recovered from the respondent no. 2, while she was in police custody.

Petition is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

SEPTEMBER 07, 2017/rb