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

+ **BAIL APPLN. 2504/2017**

SATENDER KUMAR

..... Petitioner

Through Mr. Gaje Singh, Adv.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through Mr. Ashish Dutta, APP for the State
I.O.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **07.12.2017**

Pursuant to the direction dated 6.12.2017 copy of the order dated 24.11.2017 passed in Bail Application No.R-3444/2017 before the court of ASJ-02, North, Rohini Courts, Delhi has been placed on record.

Submissions have been made on behalf of either side.

On behalf of the applicant it is submitted that the only role attributed to him as per the averments made in the FIR is that he had, at the instance of co-accused Sunil who is the main accused in the FIR and now in judicial custody taken the complainant on his bike to the co-accused Sunil and that thereafter he had left her and that allegations of the alleged rape as per the FIR are only against Sunil in relation to an incident which took place on 2.8.2015 qua which the

FIR is indicated to have been registered on 17.09.2017.

It has been submitted on behalf of the applicant that the allegations levelled against the applicant in the statement under Section 164 Cr.P.C. of the prosecutrix recorded on 8.9.2017 in relation to the aspect that the applicant was present at the time of making of the video at the time of alleged rape by the co-accused Sunil are not mentioned anywhere in the FIR, whereas the allegation relating to making of the video was against the co-accused Sunil only. It has also been submitted on behalf of the applicant that during the interregnum of two years after the alleged incident till the date of lodging of the FIR there has been no complaint made against the applicant by the complainant.

Without any observation on the merits or demerits of the case, it is also brought forth that the averments made in the FIR registered at the outset do not *per se* speak of any alleged commission of rape or contribution by the applicant to assist the co-accused Sunil even in the making of the video as alleged by the complainant in her FIR. It has also been submitted by the Investigating Officer in reply to a specific Court query that the applicant has no adverse antecedents against him and is aged 29 years.

In these circumstances, in the event of arrest, the applicant is allowed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the trial court subject to the conditions that he shall not leave the city, shall join the investigation as and when required, shall not tamper with the evidence and shall not make any contact with the

complainant.

The application is disposed of.

ANU MALHOTRA, J

DECEMBER 07, 2017

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IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 40

Crl. M.C. 5122/2017

SH GOUTAM SINGOR @ GAUTAM SANGAT Vs. STATE NCT OF DELHI & ANR.

7.12.2017

CW-2 Smt. Sonia @ Sonia Tamoli d/o Shri Nand Kishore, aged 28 years r/o House No.24, Double Storey, Harijan Colony, Tilak vihar, Tilak Nagar, Delhi-110018.

ON S.A.

I am a graduate. I have signed the affidavit dated 5.12.2017 annexed to the petition Ex.CW2/A at points A and B. Copy of the mediation settlement dated 11.9.2017 arrived at between the parties before the Delhi Mediation Centre, Tis Hazari Courts, Delhi placed on record bears my signature at point 'A'. The settlement has been arrived at between me and petitioner No.1 and also between my father Nand Kishore Tamoli and Mr. Kamal Lot, brother-in-law. Pursuant to the said settlement I have received a sum of Rs.1,50,000/- from the petitioners towards all my claims. In terms of the settlement the marriage between me and the petitioner has since been dissolved vide a decree of divorce through mutual consent vide decree dated 14.11.2017 under Section 13 B (2) of the Hindu Marriage Act, 1955 in HMA No.1579/2017 of the Principal Judge, Family Court, West, Tis Hazari which decree of divorce is Ex.CW2/C. It has also been agreed that the minor child borne out of the wedlock Master Kaustav @ Tejas who is in my custody shall remain in my custody. I do not oppose the prayer made by the petitioner seeking quashing of FIR No.370/2013 under Sections 498A/406/34 IPC registered at P.S. Tilak Nagar and all other consequential

proceedings emanating therefrom. I do not seek any action against the petitioner nor against Ramesh Sangat, Susila Devi, Kamal Lot and Rakhi who are named in the aforesaid FIR. I have made this statement voluntarily of my own accord without any duress or coercion from any quarter.

RO & AC
7.12.2017

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 40

Crl. M.C. 5122/2017

SH GOUTAM SINGOR @ GAUTAM SANGAT Vs. STATE NCT OF DELHI & ANR.

7.12.2017

CW-1 ASI Rajinder Singh, PS Tilak Nagar

ON S.A.

I identify both the petitioner Shri Goutam Singor @ Gautam Sangat accused in FIR No.370/2013 under Sections 498A/406/34 IPC registered at P.S. Tilak Nagar and respondent No.2 Smt. Sonia & Sonia Tamoli d/o Shri Nand Kishore complainant of the said FIR. The other accused namely, Ramesh Sangat, Susila Devi, Kamal Lot and Rakhi have been put in Column No.12 and have not been chargesheeted and cognizance has been taken in relation to the present petitioner only under Section 498A/406/34 IPC vide order dated 30.9.2015 in FIR No.370/2013 registered at P.S. Tilak Nagar, passed by M.M., Mahila Court, West.

RO & AC

7.12.2017

ANU MALHOTRA, J