

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-24814-2018

Date of decision:-28.9.2018

Tayyub

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Mazlish Khan, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

Ms.Rosi, Advocate
for the complainant.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Tayyub – an accused in FIR No.372 dated 2.9.2017, under Sections 506
IPC and Section 4 of POCSO Act, registered at Police Station Ferozepur
Jhirka, District Nuh.

Briefly stated, the facts of the case, as per the prosecution
story are that minor daughter of Akbar aged 15 years, a student of 10th

class (name withheld to protect her identity in view of Section 228-A IPC and as per the directions given by the Hon'ble Apex Court in case titled State of Karnataka Vs. Puttaraja, 2004(1) RCR(Cri.) Supreme Court, 113 (SC) and referred to as '*the prosecutrix*') was taken away by Hanshira to accompany her for answering call of nature, however, instead she took the prosecutrix to her house and confined her in a room on the second floor of her house, locking the door from outside; that accused Tayyub, a bother-in-law (*devar*) of Hanshira had forcible sexual intercourse with the prosecutrix and he threatened her that if she disclosed the incident to anybody, then he would kill her and her family members; then at the asking of Tayyub, Hanshira opened the door from outside; on 19.8.2017 at about 7:00/7:30 p.m., Hanshira again went to house of Akbar at village Khedlo Khurd, District Mewat and had a talk with the prosecutrix asking her to accompany her to meet accused Tayyub and if the prosecutrix did not do so then she would make public the previous incident; that Hanshira had stated so in a separate talk with the prosecutrix, hearing that the prosecutrix started weeping and on being asked by her mother, she disclosed the entire facts to her mother; that Hanshira left the spot threatening the prosecutrix and her mother that in case they took any action, then they would be killed. Thereafter, the prosecutrix and her mother informed the complainant Akbar in that regard, who reported the matter to police. Formal FIR was registered. Accused was arrested. He had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Mewat vide order dated 22.5.2018, as such, he has approached this Court with the same

request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the record.

The allegations against the petitioner are very serious and grave of committing rape with a minor girl calling after her to his house by deception and then threatening the girl. As per the prosecution version, the petitioner again wanted to have sexual intercourse with the minor girl and for that purpose, he had sent his sister-in-law Hanshira to bring the girl, though she did not accompany Hanshira on 19.8.2017. The petitioner has sexually abused a minor girl. He comes out to be sex maniac and if released from custody, he may ruin the lives of several innocent young girls. He is a risk to the society at large and does not deserve any sympathy. The trial against him is going on, which is likely to be concluded in near future. Therefore, no ground is made out to grant regular bail to the petitioner. Along with the gravity and seriousness of allegations against the petitioner, there is apprehension of his trying to tamper with the prosecution evidence and even to abscond, if granted bail.

Therefore, finding no merit in the petition, the same stands dismissed.

28.9.2018
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No