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

+ **BAIL APPLN. 285/2018**

AMIN KHAN

..... Petitioner

Represented by: **Mr. Sitab Ali Chaudhary, Mr.
Nasir Khan and Mr.
Azharuddin Chaudhary,
Advocates.**

versus

THE STATE (GOVT.OF NCT DELHI)

..... Respondent

Represented by: **Mr. Amit Gupta, APP for State
with SI Margrita, PS Sangam
Vihar.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

03.04.2018

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1. By this petition the petitioner seeks bail in anticipation of arrest in case FIR No. 665/2017 under Sections 323/341/354/354B IPC registered at PS Sangam Vihar, Delhi.

2. The above noted FIR was registered for offences punishable under Sections 323/341/354/354B IPC at PS Sangam Vihar, Delhi on the statement of the prosecutrix wherein she alleged that on 21st December, 2017 at around 6.00 PM while finishing her work while she was going to her house and reached Gali No. 4½, Sangam Vihar, Amin, the present petitioner whom she knew earlier stopped her way. He caught hold of her hand and when she asked him to leave her hand, Amin slapped her, tore her suit and touched her inappropriately. She got released her hand and ran away from there. On

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reaching the house she informed her brother who made a call to 100 number. However, the prosecutrix refused to undergo medical examination.

3. On the basis of the said statement above noted FIR was registered and the petitioner was arrested on the same date, that is, 21st December, 2017. The petitioner was released on bail on 26th December, 2017 whereafter an application was filed by the Investigating Officer before the learned Trial Court for recording of the statement of the prosecutrix under Section 164 Cr.P.C. on 3rd January, 2018 and on the same day the statement of the prosecutrix was recorded under Section 164 Cr.P.C. In the statement under Section 164 Cr.P.C. the prosecutrix not only alleged about the incident dated 21st December, 2017 but also stated that earlier also the petitioner committed rape on her and made video and was blackmailing her, resulting in invocation of provisions under Section 376/377/506 IPC.

4. Considering the fact that the petitioner has already faced custodial interrogation and that the allegations noted in the statement made before the learned Metropolitan Magistrate under Section 164 Cr.P.C. were not stated in the earlier complaint, without expressing any final opinion on the merits of the case, this Court deems it fit to grant bail to the petitioner.

5. It is therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court. In case of change of residential address of the petitioner, the same will be intimated to the learned Trial Court by way of an affidavit. Further the petitioner will not in any way contact the complainant or any of her family members or friends and will not tamper with the evidence or the witnesses.

6. Petition is disposed of. Order dasti.

APRIL 03, 2018
‘vn’

MUKTA GUPTA, J.