

gold pledged by him is 1091.250 gms. and net worth put forth by the Government Appraiser is 218.

On behalf of the State in reply to a specific Court query, it has been submitted that there are no previous adverse antecedents against the applicants.

On a consideration of the totality of the circumstance put forth, taking into account the factum that the applicants are in custody since 16.02.2018 and also that their role virtually is the same as that of the co-accused Naveen Kumar, who has been granted bail vide order dated 17.09.2015 qua whom there is no MOU with the Dhan Laxmi Bank as brought forth through para-5 of the said order itself, the applicants in the instant case are allowed to be released on bail on their furnishing bail bond of Rs. 5 lacs each with one surety of the like amount to the satisfaction of the learned trial Court with directions that they shall not leave the country, shall not tamper with the evidence in any manner and shall commit no offence whatsoever. In the event of there being any further FIR registered against them, the State shall bring it to the notice of the Court forthwith.

The application is disposed of accordingly. Copy of the order be given *Daist*, as prayed.

ANU MALHOTRA, J

MARCH 16, 2018/vm

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IN THE HIGH COURT OF DELHI AT NEW DELHI
BAIL APPLN. 315/2018
AARTI

..... Petitioner

Through: Mr. Haneef Mohd. Adv.

versus

THE STATE GOVT OF NCT OF DELHI Respondent
Through: Mr. Ashish Dutta, APP for State
Insp. Malti, PS New Ashok Nagar.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **16.03.2018**

Vide order dated 07.03.2018 it was observed to the effect that it is considered essential to peruse the statement under Section 164 Cr.PC of the prosecutrix and that the copy of the same on the record was not legible, as a consequence of which, the Trial Court Record had been requisitioned. The Trial Court Record has since been received. The statement under Section 164 Cr.PC, 1973 is found to be in a sealed cover with the seal of MN and as it is considered essential to peruse the same, the seal is directed to be opened.

The statement under Section 164 Cr.PC, 1973 has been perused and is directed to be placed back into a seal cover to be sealed with the Court seal after placing the copy of the said statement on the record of the present petition. Presently the medical status report of the applicant has also been received indicating that she has 28 weeks amenorrhea. As per the report of the Medical Officer in-charge, she is presently under regular follow up and is receiving all the prescribed medicine from Central Jail No. 6.

Submissions have been made on behalf of the applicant contending to the effect that the allegations levelled against the applicant are in relation to her having involved the prosecutrix in prostitution and of her having been raped by her own husband and by other persons are wholly false and erroneous and that the complaint

had been made after much delay and because the complainant was involved with a boy and the applicant her sister was to stop her from so doing.

Without any observation on the merits or demerits of the case, on a perusal of the statement under Section 164 Cr.PC, 1973 of the prosecutrix and despite the submissions made on behalf of the applicant to the effect that prosecutrix herself in her statement under Section 164 Cr.PC, 1973 stated that she does not want any action against the applicant, in the circumstances of the case, there is no ground for grant of bail whatsoever.

However, as an interim measure, taking into account the factum that the applicant is in a state of pregnancy, for period of six months with effect from the date of her release, she is allowed to be released on bail on her furnishing a bail bond of Rs. 50,000/- with one surety of the like amount to the satisfaction of the learned trial Court with directions that she shall not leave the country and shall surrender within a period of three weeks after the delivery of the child before the Superintendent Jail, Delhi.

The petition is disposed of accordingly.

ANU MALHOTRA, J

MARCH 16, 2018

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