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

+ **BAIL APPLN. 552/2018**

RABIYA BIBI

..... Petitioner

Through: Mr. Sahil Monga and Mr. N. S.
Matta, Advocates.

Versus

STATE

..... Respondent

Through: Mr. Amit Chadha, Additional Public
Prosecutor for the State with
SI Gaurav Singh, P.S. Mukherjee
Nagar.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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16.07.2018

The petitioner is behind bars since 07.10.2017. She has been accused of offence under section 326 of the Indian Penal Code, 1860 (IPC). However, despite a direction by this Court on 09.03.2018, Status Report apropos the injuries, if any, suffered by the injured has not been filed. According to the learned counsel for the petitioner, it could not have been because till date there is no MLC prepared in the case; that being the position, the petitioner can hardly be proceeded against under section 326 IPC.

He further contends that arguments on charge have to be advanced but since the investigation is complete and in the absence of anything to which the petitioner could otherwise influence the process of justice, she may be granted bail, especially in view of the fact that she has three minor school going daughters, who need regular and constant care of their mother.

Mr. Amit Chadha, the learned Additional Public Prosecutor for the State opposes the bail and contends upon instructions that the petitioner was absconding for an year after registration of the FIR. She is alleged to have committed a crime of burning a person alive by assisting in pouring acid on victim, who had suffered more than 25% burn injuries. The medical examination of the victim has been conducted at West Bengal and a supplementary chargesheet has already been filed. He submits that should the petitioner be released on bail at this stage, it is quite likely that she may try to influence or otherwise bear upon the victim in a manner to defeat the prosecution.

The learned counsel for the petitioner relies upon the MLC (at page 30 of the petition), which shows that the victim was discharged, the condition of the patient was satisfactory and the statement recorded in Brief Clinical History shows that the spillage of acid was self inflicted. The Court would note that the State has not produced any document subsequent to 15.10.2016 to show that the victim had suffered any injury beyond what the aforesaid Discharge Summary states.

In view of the above, the petitioner is enlarged on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court concerned, subject to the following conditions:-

- (i) the petitioner will regularly appear on each and every date of hearing to be fixed by the Trial Court concerned;
- (ii) the petitioner will not try to influence, contact or meet the complainant and prosecution witnesses in any manner;
- (iii) the petitioner will not leave the country without prior permission of

the Trial Court and the passport, if any, shall be deposited with the Trial Court concerned; and

- (iv) the petitioner will duly intimate her new address and contact number to the SHO/IO of the case (in case of change) under intimation to the Trial Court concerned.

The petition stands disposed-off in the above terms.

Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

The Registry is directed to send a copy of this order to the Jail Superintendent concerned for information.

A copy of this order be given *dasti* to the learned counsel for the parties under the signatures of the Court Master.

NAJMI WAZIRI, J.

JULY 16, 2018

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