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

+ **BAIL APPLN. 686/2018 & CrI.M.A. 5703/2018**

SAHEEN @ SHAINA

..... Petitioner

Through: Mr. Rajeev Kumar, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Ravi Nayak, APP for the State.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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26.07.2018

The petitioner was arrested on 01.01.2018 and has been in custody ever since in the context of FIR No. 604/2017 of police station Jahangir Puri involving offences, initially registered for investigation, being those punishable under Sections 363/368/328/120B/34 IPC. It is alleged that she had kidnapped a new born child of Rizwana, both being close relatives, the applicant having stayed in the house of latter on the pretext of helping her at the time of delivery and having passed on the said child to Nilofer @ Heena, also a close relative.

During investigation, however, sufficient evidence qua the offence under Section 328 IPC could not be gathered. Though the charge-sheet which was filed had prayed for prosecution of the petitioner and others, sent up for trial, also for the offence under Section 328 IPC, upon the said case being committed, the sessions Court by its order dated 29.05.2018 held that

no such charge under Section 328 IPC could be framed. Therefore, the sessions Court has transferred the case back to the court of Chief Metropolitan Magistrate (North) by order dated 29.05.2018.

The child which was allegedly kidnapped was recovered from the possession of Nilofer @ Heena. The case against the applicant of she being the person who kidnapped the child is based on inferences, there being no direct evidence.

In these facts and circumstances, the prayer for release of the applicant on bail is granted. The case for release on bail is made out. Granted accordingly subject to the following conditions:-

- (i) The petitioner shall furnish personal bond in the sum of Rs 20,000/- with one surety in like amount to the satisfaction of the trial court.
- (ii) Prior to her release, she shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the trial court.
- (iii) She shall scrupulously appear at each and every stage of the proceedings before the trial court so as not to cause any obstruction or delay to its progress.
- (iv) She shall not commit an offence similar to the offence of which she is accused, or suspected, of the commission of which he is suspected.
- (v) She shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and

(vi) She shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit her passport, if she holds one, with the said court.

The bail petition and the pending application are disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities and to the trial court.

Dasti under the signatures of Court Master.

R.K.GAUBA, J

JULY 26, 2018

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