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

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Judgment delivered on: 05.07.2018

+ **BAIL APPLN. 791/2018**

DEEPAK

..... Petitioner

versus

STATE(NCT OF DELHI)

..... Respondent

Through:

Advocates who appeared in this case:

For the Petitioner :

Mr. Sanjeev Kr. Sharma, Adv.

For the Respondent :

Ms. Neelam Sharma, Addl. PP for the State with SI
Sarita, PS Badarpur

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

05.07.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks regular bail in case FIR No. 330/2017 under Sections 376/354/323 of the IPC, Police Station Badarpur, New Delhi. The petitioner has been in custody since 13.09.2017.

2. The allegations against the petitioner who is the cousin brother of the husband of the complainant are that he came to the house of the complainant for extending an invitation for marriage of his brother. It is

alleged in the FIR that the complainant thereafter called up her husband and informed him that the accused had come. Further, it is alleged that thereafter the accused misbehaved with the complainant and committed the offence under Sections 354/376 of the IPC. The complainant thereafter is alleged to have run away to the balcony and once again called her husband on which the petitioner is alleged to have run away after locking the room from outside.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He further submits that the allegations made in the complaint are not substantiated from the report submitted by the FSL and as per his instructions no call was made by the complainant to her husband as is alleged.

4. Investigation is complete. Charge sheet has already been filed. The petitioner is in custody since 13.09.2017. Investigating Officer has produced the records of the case as also the call detail records of both – the complainant and her husband. The call detail records do not show that there is any telephone call made by the complainant to her husband as is alleged in the FIR.

5. I have perused the records produced by the IO including the call detail records in respect of both, the complainant as well as her husband.

6. Without commenting of the merits of the case as also on examination of the record, I am of the view that the petitioner has made out a case for grant of regular bail.

7. Subject to petitioner furnishing a bail bond in the sum of Rs.25,000/- alongwith one surety of the like amount to the satisfaction of the Trial Court, the petitioner shall be released on bail, if not required in another case. The petitioner shall not do anything, which may either prejudice the trial or the prosecution witnesses. The petitioner shall not make any endeavour to contact the complainant or her family members. The petitioner shall not leave the country without permission of the trial court.
8. The petition is disposed of in the above terms.
9. Order Dasti under signatures of the Court Master.

July 05, 2018
'rs'

SANJEEV SACHDEVA, J