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

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Judgment delivered on: 11.09.2018

+ BAIL APPLN. 768/2018

SALIM @ BOBBY

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Dinesh Malik, Adv.

For the Respondent: Ms. Neelam Sharma, APP for the
State with SI Ekta, P.S. Nangloi.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

11.09.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No.525/2017 under Section 323/341/354A/354B IPC, P.S. Nangloi.

2. The allegations in the FIR are that, on 22.02.2017, the petitioner, who is the brother-in-law of the prosecutrix, held the prosecutrix from behind when she was at home. In the process, the neck of her suit tore and thereafter he hit her on her chest and when she made a noise, he ran away from there.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated at the behest of the wife of his step brother – the prosecutrix. He submits that the mother of the petitioner had made several complaints as far back as on 22.05.2017, 16.07.2017, 28.07.2017 and 22.12.2017 alleging that the prosecutrix and her husband (step brother of the petitioner) are troubling them and had been disowned. Further, a similar complaint was lodged by the wife of the petitioner on 23.10.2016.

4. It is contended that the mother of the petitioner had even issued a public notice saying that the prosecutrix and her husband (step brother of the petitioner) had been disowned and the subject allegations were a counterblast to the action taken by the mother of the petitioner.

5. Learned APP for the State, submits that subsequently in a statement given under section 164 Cr.P.C., the prosecutrix had contended that an offence under Section 376 IPC was also committed at that time. Accordingly, section 376 IPC has been added in the FIR.

6. Learned counsel for the petitioner submits that the petitioner has been falsely implicated as there is substantial improvement in the statement recorded under Section 164 Cr.P.C as the allegations of rape were not so mentioned in the first complaint that was lodged.

7. By interim order dated 10.04.2018 petitioner was granted

interim protection subject to petitioner joining investigation. The Investigating Officer who is present in person submits that petitioner did join investigation and investigation is complete and the prosecution is in the process of finalising the chargesheet and filing the same.

8. Keeping in view the facts and circumstances of the case, I am of the view that the petitioner has been able to make out a case for grant of anticipatory bail.

9. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on his furnishing a bail bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. The petitioner shall not do anything that may prejudice either the trial or the prosecution witnesses. Petitioner shall not leave the country without the permission of the Trial Court.

10. The Petition is disposed of in the above terms.

11. Order *Dasti* under signatures of the Court Master

SANJEEV SACHDEVA, J

SEPTEMBER 11, 2018

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