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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1080/2018 & CRL.M.A. 8865/2018**

SHAKILA BANO

..... Petitioner

Through: Mr. M.K. Perwez & Mr. J.A.
Chaudhary, Advocates.

versus

STATE OF DELHI (NCT OF DELHI)

..... Respondent

Through: Mr. Sanjeev Sabharwal, APP for
State.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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10.05.2018

Submissions have been made on behalf of either side.

It has been submitted on behalf of the applicant that she has been falsely implicated in the instant case and that she has no role to play in the alleged commission of offence punishable under Section 376 of the Indian Penal Code, 1860 in relation to which the allegations are against one Afsar and that the only allegations against the applicant are to the effect that she was standing outside the door of the house which she had allegedly bolted when the offence was being committed by the co-accused.

It has further been submitted on behalf of the applicant that she is 65 years of age and that there are no other previous adverse antecedents against her and that a settlement has since been arrived at between the prosecutrix and the applicant and other persons in the

instant case. It is sought to be contended that the offences alleged against the applicant would be only under Section 323/109 of the Indian Penal Code, 1860 and that the offences against her are bailable.

On behalf of the State, it has been submitted that the applicant is absconding and that the proceedings under Section 82 & 83 of the Cr.P.C. have been initiated against the applicant qua which it has been submitted on behalf of the applicant that the applicant is willing to join the investigation of the case.

Without any observations on the merits or demerits of the case, on a perusal of this FIR and the statement under Section 164 of Cr.P.C. of the prosecutrix which states *inter alia* to the effect that the applicant had allegedly bolted the door at the time of the commission of the alleged offence punishable under Section 376 of the Indian Penal Code, 1860 by a co-accused within the room where the prosecutrix was bolted by **the applicant**, there is no ground for grant of anticipatory bail.

The application is rejected.

ANU MALHOTRA, J

MAY 10, 2018
NC