

\$~19

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1197/2018**
RACHNA

..... Petitioner
Through: Mr. Saleem Ahmed with Ms. Charu
Dalal, Advs.

versus

STATE (GOVT OF NCT OF DELHI)
..... Respondent
Through: Mr. Amit Gupta, APP for the State.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **10.07.2018**

It is submitted that of the 27 witnesses, 25 have been examined including one material and public witness. Testimony of only the I.O. and another police official is to be recorded. The petitioner is in custody since 01.09.2013, i.e. almost 59 months.

It is the petitioner's case that she has been granted interim bail on 11.01.2016 which was extended on 10.02.2016 but she never misused the liberty so granted. The learned counsel for the petitioner refers to an order of this Court dated 07.10.2015 in an earlier Bail Application no. 18632/2015, in which the Court had recorded that as of that date, 22 prosecution witnesses out of 27, had been examined and the Court had hoped that the recording of evidence would be completed within a short period of time; that it is the constitutional

right of every accused to be tried expeditiously-which is a cardinal principle of criminal jurisprudence.

The learned counsel for the petitioner submits that evidence of only three other witnesses have been completed in the past three years. This, by no means, meets the expectation expressed by this Court in the aforesaid order.

Be that as it may, since the testimony of public witnesses has been recorded, she could pose no threat to the testimony of the remaining witnesses who are Police Officials. It is the petitioner's case that she herself had intimated the police about the incident.

In the aforesaid circumstances, 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 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 Court and the passport, if any, shall be deposited with the Trial Court concerned; and
- (iv) in case of change of her address or contact number, the petitioner will promptly intimate to the SHO/IO of the case and intimate the Trial Court.

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 10, 2018/acm