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

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Judgment delivered on: 25.09.2018

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BAIL APPLN. 1320/2018

IMRAN

..... Petitioner

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Advocates who appeared in this case:

For the Petitioner :

Mr. Hari Parkash with Mr. Surender Kumar, Advocates.

For the Respondent:

Ms. Neelam Sharma, APP for the State.

SI Darshan, PS S.B. Dairy.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

25.09.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks Regular Bail in FIR No.151/2018 under Sections 376D/323/328/506/34 IPC and Section 4 POCSO, Police Station Shahbad Dairy.

2. The allegations in the FIR are that the prosecutrix was going in a lane when the petitioner, her neighbour, told her that her sister was being beaten by her husband and handed over his phone to her to talk to her sister. While she was in the process of talking, he pushed her in a room, wherein, a co-accused was present. Thereafter, it is alleged that the co-accused locked the room from inside and the petitioner went and brought a cold drink, which she was forced to drink and on drinking the same she became unconscious and thereafter the co-accused committed the offence of rape on

her.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated as the petitioner was objecting to the father of the prosecutrix having his meat shop opposite the shop of the petitioner.

4. Further, it is contended that the apart from the oral testimony of the prosecutrix, there is nothing to connect the petitioner with the subject offence. He submits that the petitioner is alleged to have pushed her inside a room from the street, on the opposite side of which, at a distance of about 5 – 6 feet, there is a sweet shop, which is a very crowded place and at the time of the incident, it was full of customers and there is no witness to say that the petitioner pushed her.

5. Learned counsel for the petitioner further submits that there is an unexplained delay in registering the complaint inasmuch as the incident took place on 11.03.2018 and the complaint was lodged on 16.03.2018. He further submits that there is no medical evidence to support the offence of rape or intoxication.

6. He further submits that it is alleged that in the statement before the Court her version has changed and she has stated that the petitioner told the prosecutrix that her sister was being beaten by her sister and asked her to accompany him to talk to her sister. On the way he is alleged to have asked her to come to the room of the co accused to make the phone call and when she was going to his room he pushed her inside and locked it.

7. Learned counsel further submits that as per the prosecutrix the

petitioner never entered the room where the alleged offence has taken place. He further submits that even as per the version of the prosecution, the petitioner is not the one who is alleged to have committed the offence of rape on the prosecutrix.

8. Without commenting on the merits of the case and on perusal of the record, I am of satisfied that the petitioner has been able to make out a case for grant of regular bail. Accordingly, on petitioner furnishing a bail bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the trial court, petitioner shall be released on bail, if not required in any other case. 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. Petitioner shall not contact the prosecutrix or her family members.

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

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

SEPTEMBER 25, 2018
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SANJEEV SACHDEVA, J