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

+ BAIL APPLN. 1967/2018

OMVEER Petitioner

Through Mr. Tanveer Ahmed Mir, Adv.

versus

STATE OF NCT DELHI Respondent

Through Dr. M.P. Singh, APP

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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03.12.2018

Learned counsel for the petitioner submits that petitioner was in relationship with the prosecutrix. After their relationship broke off, present FIR has been lodged in order to harass the petitioner. It is submitted that investigations are complete. Charge-sheet has been filed. Prosecutrix has been partly examined. Petitioner is in custody for more than two years. Petitioner may be admitted to bail.

Learned APP has vehemently opposed the grant of bail to the petitioner. It is contended that petitioner took mobile phone number of the prosecutrix from one of her friends. Thereafter, he started talking to her. On 20th September, 2016 petitioner took her to his house on the pretext that

his mother was seriously ill and wanted to meet her. When she reached petitioner's house, his mother and father were present there. They offered her tea. After taking tea, she felt unwell. She was advised by the petitioner's mother to take rest. After taking rest at petitioner's house for 2-3 hours she returned home. Petitioner continued talking with the prosecutrix. On 1st November, 2016 two boys (co-accused Deepak and Happy) came to her house and gave an envelope to prosecutrix's mother. The envelope contained obscene photographs of prosecutrix. Co-accused demanded ₹1,00,000/- from the mother of the prosecutrix. They were paid ₹5,000/-. They were told that ₹95,000/- would be paid later on. Ultimately, FIR was lodged. He further submits that allegations are serious in nature. Obscene photographs are there. Prosecutrix has corroborated her version in the statement under Section 164 Cr.P.C. and also during the examination-in-chief, which has been partly recorded.

Learned counsel for the petitioner submits that petitioner's parents have not been charge-sheeted for gang rape or assisting the petitioner. Co-accused have already been granted bail. He further submits that it is unfathomable that prosecutrix would not have been able to know about forcible sexual intercourse with her on 20th September, 2016 itself had she

been raped by the petitioner. It is illogical that she would have come to know about the rape after 41 days only on seeing the obscene photographs.

Keeping in mind the totality of the facts and circumstances of this case, petitioner is admitted to bail, subject to his furnishing a personal bond in the sum of ₹20,000/- (Rupees Twenty Thousand Only) with one surety in the like amount to the satisfaction of the trial court.

Bail application is disposed of in the above terms.

Dasti.

DECEMBER 03, 2018
r.bararia

A.K. PATHAK, J.