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

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Judgment delivered on: 30.11.2018

+ BAIL APPLN. 2179/2018

SAJAN KUMAR

..... Petitioner

versus

THE STATE (NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Yogesh Rathee, Advocate.

For the Respondent : Mr. Kusum Dhalla, APP for the State.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

30.11.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.159/2018 under Sections 354/376/506(ii) IPC, Police Station Moti Nagar.
2. The allegations in the FIR are that the complainant was working in a factory and the petitioner was also a co-worker in the factory. It is alleged that he used to misbehave with her and approximately one month prior to lodging of the complaint he had committed the offence of rape on her and made a video and thereafter he is alleged to have used the video to repeat the offence.

3. Status report has been filed, which notes that the complainant was medically examined and before the doctor she had stated that she was first assaulted 10 years back and the last act of sexual assault was about one month back and thereafter she had made physical relationship with her husband also.

4. Medical examination did not reveal any tender injury and samples were not taken as history of assault was over one month old and she had made physical contact with her husband after the alleged offence.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that the allegations are pertaining to a period of over 10 years old and there is unexplained delay in lodging a complaint. Further, he submits that there is no medical or other evidence to support the allegations except for the oral statement of the prosecutrix.

6. Learned counsel for the petitioner further submits that no video was recovered from the cell phone of the petitioner to substantiate the allegations that he had made a video recording and was threatening the prosecutrix.

7. The petitioner has been in custody since 04.05.2018. Investigation is complete and Chargesheet has been filed.

8. Without commenting on the merits of the case and keeping in

view the totality of the facts and circumstances, I am of the view that petitioner has made out a case for grant of regular bail.

9. 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 which may prejudice either the trial or the prosecution witnesses. Petitioner shall not directly or indirectly try to contact the prosecutrix. Petitioner shall not leave the country without the permission of the Trial Court and shall also surrender his passport, if any, to the Investigating Officer.

10. Petition is disposed of in the above terms.

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

NOVEMBER 30, 2018
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SANJEEV SACHDEVA, J