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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2300/2018

CHITRA SHAHI

..... Petitioner

Through: Mr. Manoj Ohri, Sr. Adv. with Ms.
Vagisha Kochar, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Pankaj Saroha, PS
Maurya Enclave.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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13.11.2018

The background facts were noted in the proceedings recorded on 01.10.2018 which read thus:-

“The case FIR No.325/2018 was registered by Police Station Maurya Enclave for investigation into offence allegedly committed, they being punishable under Sections 323/342/34 IPC, Section 75/79 of the Juvenile Justice Act, 2015 and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

It appears from the status report, perusal of the copy of FIR and other record pertaining to the investigation that inquiries were made in the wake of DD No.51-A, dated 13.09.2018 about the first informant – a female child, aged six years – having suffered injuries and having been taken to hospital. The FIR was registered on the basis of statement recorded in question-answer form of the said victim child, later statement of her sister – ten years old – also having been recorded. It is submitted by the learned APP for the State, on instructions, that the victim child and her elder sibling had been illegally engaged as maid-servants by the petitioner and members of her family, they having been wrongfully confined and subjected to cruelty and exploitation. The allegations have also been made about improper conduct of

the son of the petitioner towards the victim child, as forming part of the statement made by her leading to the FIR being registered.

From the evidence gathered thus far, while it does appear that the victim child and her elder sibling were accommodated in the house of the petitioner – it being a two bedroom house (flat) in Pitampura, Delhi – and their services having been used for household chores, it is not clear as to what is the version of their mother (she being a widow) about they having been left at such place. Till date, there is no evidence collected in this regard, mother not even having been examined.

In the above facts and circumstances, there is a need for further probe. Meanwhile, the petitioner may be granted some protection. Thus, it is directed that no coercive steps shall be taken against the petitioner till the next date of hearing, this, subject to she joining investigation as and when called to do so by the investigating officer.

Be listed on 13th November, 2018.

A more detailed report of further investigation shall be submitted before the next date of hearing.

Dasti under the signature of Court Master”.

Further status report dated 11.11.2018 has been filed. It confirms that the statement of the mother of the two children has been recorded. As per the said version, the children had been left behind at the house of the petitioner by the mother who was constrained to visit her native place in Jharkhand on account of some domestic problem, the woman confirming that it was she who was engaged as the household servant. Though there seem to be some allegations of ill-treatment made by the victim child in her statement under Section 164 Cr.P.C, the same are directed primarily against the son of the petitioner.

In the above facts and circumstances, the petition is allowed. It is directed that in the event of the petitioner being arrested in case FIR No.

325/2018 under Sections 323/342/34 IPC, Section 75/79 of Juvenile Justice (Care and Protection of Children) Act, 2000 and Section 8 of Protection of Children from Sexual Offence Act, 2012 of police station Maurya Enclave, she shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs.20,000/- with one surety in the like amount subject to the following further conditions:-

- (i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to her release, she shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;
- (iv) She shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;
- (v) She shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court.

This order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against her by the court of cognizance.

The petition stands disposed of in above terms.

Dasti under the signatures of Court Master.

R.K.GAUBA, J.

NOVEMBER 13, 2018

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