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

+ **BAIL APPLN. 1811/2017**

ISMILE

..... Petitioner

Through: Mr. B.S. Rana & Mr. Satyam Sisodia,
Advocates.

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Mr. Ashish Dutta, APP for State.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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02.04.2018

The State has put forth the statement of the prosecutrix in cross FIR No. 167/17, PS Bharat Nagar. On behalf of the applicant, it has been submitted that the applicant has been falsely implicated in the instant case and that the initial FIR was registered under Sections 323/341/34 of the Indian Penal Code, 1860 with subsequent addition of the Section 325 of the Indian Penal Code, 1860 on 02.07.2017 after the MLC of the injured had been prepared and that pursuant to the statement thereafter recorded, Section 354 & 354B/506 of the Indian Penal Code, 1860 were also added. It has thus been submitted on behalf of the petitioner that all the averments in relation to the alleged commission of sexual molestations had been deliberately brought forth and it has been submitted that the statement under Section 164 of the Cr.P.C. to the similar effect also confirms deliberate additions. It has been submitted on behalf of the petitioner that in the cross FIR

which has been lodged on the complaint of the co-accused of the present applicant in relation to the FIR No. 165/17 P.S. Bharat Nagar all accused therein are on anticipatory bail which is not refuted on behalf of the State. It has also been submitted on behalf of the State in reply to a specific Court query that there are no previous adverse antecedents against the applicant.

Without any observations on the merits or demerits of the case, taking the totality of the circumstances of the present case into account and the gradual additions of allegations after the lodging of the FIR, it is considered appropriate to allow the prayer made by the petitioner. The applicant in the event of arrest, is allowed to be released on bail on his filing a bail bond in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of the learned Trial Court subject to the conditions that he shall join the investigation as and when required, shall not intimidate the witnesses and shall make no contact with the complainant and the witnesses and shall commit no offence whatsoever.

Copy of the order be given Dasti, as prayed.

ANU MALHOTRA, J

APRIL 02, 2018
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