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

+ **BAIL APPLN. 2138/2017**

**RANI**

..... Petitioner

Represented by: Mr.Maninder Singh, Mr. Ajay Kumar Pipaniya, Ms.Mahima Chaudhary, Ms. Smriti Asmita, Ms.Aekta Vats, Mr. Anuj Singh and Mr. Rohit Arora, Advocates.

versus

**STATE**

..... Respondent

Represented by: Ms. Rajni Gupta, APP for State.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**  
**07.05.2018**

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1. By the present petition, petitioner seeks bail in case FIR No.1741/2015 under Sections 363/365/366A/368/372/376D IPC and Section 6 of Protection of Children from Sexual Offence Act registered at PS Mangol Puri, Delhi on the complaint of the prosecutrix who alleged that after passing her 10<sup>th</sup> standard she was searching for a job when her neighbour Rani, that is, the petitioner herein informed her that her husband Rocky had links with several persons and he could arrange good job for her. On 28<sup>th</sup> August, 2015 at about 9.00 PM Rocky telephoned her and asked her to meet him on 29<sup>th</sup> August, 2015 at 4.00 PM at Peera Garhi Chowk. So on 29<sup>th</sup> August, 2015 she packed her bags and reached Peera Garhi Chowm at about 3.45 PM where Rocky was already present. Rocky took her to Dhaula

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Kuan in an auto rickshaw and from Dhaula Kuan he took her to Jaipur. After reaching Jaipur he spoke to one Arjun. After 10-15 minutes one person namely Shekhar came there and took them to the house of Arjun where she stayed at night with Arjun, his wife Payal, Shekhar, his sister and brother-in-law Anil. It is the case of the prosecutrix that on 30<sup>th</sup> August, 2015 Arjun and Anil took her to Indraprastha Hotel, Jaipur for interview where she was kept locked in a room. After Arjun and Anil went away, a person came to the room and committed rape with her. Thereafter several persons came to her room and committed rape on her. She somehow managed to come out of the room on 1<sup>st</sup> October, 2015 by opening the window and on reaching Delhi got her MLC done and lodged the complaint.

2. During the course of investigation ten people were arrayed as accused out of which three have been discharged and out of seven only the petitioner and her husband Rocky are in Jail.

3. Learned counsel for the petitioner contends that at best the role of the petitioner is permitting the prosecutrix to accompany her husband. Even the role of Arjun is on higher footing than that of the petitioner as he knowingly took her to hotel room where she was kept and raped by number of people and Arjun has been granted bail. In any case the petitioner has been in custody for two years eight months and she has two minor daughters to look after. One of the two daughters is with her and the other one is at the guardian's house.

4. Considering the fact that the prosecutrix has since been examined and the only role assigned to the petitioner was that she persuaded the prosecutrix to go with her husband Rocky, that Arjun, with almost similar

role has already been granted bail by the learned Trial Court and since the role of the petitioner is not at par with the main accused Rocky who is in custody, this Court deems it fit to grant bail to the petitioner. It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court, further subject to the condition that in case of change of residential address the petitioner will intimate the same to the learned Trial Court by way of an affidavit.

5. Petition is disposed of.

6. Order dasti.

**MUKTA GUPTA, J.**

**MAY 07, 2018**

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