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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2467/2017 & CRL MA 19877/2017**
BHARAT SHARMA

..... Petitioner

Through Mr. K K Manan, Sr. Adv with
Mr. Bhavya Chauhan, Ms. Shivani
Kant, Advs

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through Dr. M.P. Singh, APP for State.
SI Satish Bhati, PS Kalkaji

BAIL APPLN. 2469/2017 & CRL MA 19881/2017

PANDIT ASHOK SHARMA

..... Petitioner

Through Mr. K K Manan, Sr. Adv with
Mr. Bhavya Chauhan, Ms. Shivani
Kant, Advs

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through Dr. M.P. Singh, APP for State.
SI Satish Bhati, PS Kalkaji

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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01.11.2018

Learned senior counsel submits that petitioner Pandit Ashok Sharma is father of petitioner Bharat Sharma. Ashok Sharma performs last rites at Kalkaji Cremation Ground. There are disputes

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between him and the management of Kalkaji Cremation Ground. Petitioners have been falsely implicated through the prosecutrix, who was not an employee of the management of the Kalkaji Cremation Ground. Prosecutrix made different statements. In the FIR, she did not allege any rape. She simply stated that while she was at the ground, Monu (Bharat Sharma) touched her breast while Ashok Sharma touched her private parts. However, in her statement under section 164 Cr.P.C. she improved her version and stated that Bharat Sharma @ Monu touched her private parts while Ashok Sharma inserted his fingers in her private parts. It is submitted that petitioners have joined investigation.

Petitioners were given protection from arrest by this Court which concession has not been misused by them. Investigations are over. Charge sheet has been filed without arrest.

I have perused the FIR and statement of the prosecutrix. Keeping in mind the totality of the facts and circumstances of this case, it is ordered that in case of arrest, petitioners Bharat Sharma and Pandit Ashok Sharma be released on bail, subject to each of them furnishing a personal bond in the sum of ₹20,000/- with one surety each in the like amount to the satisfaction of the SHO of the concerned police station.

Bail applications are disposed of in the above terms. Miscellaneous applications are disposed of as infructuous *Dasti*.


A.K. PATHAK, J

NOVEMBER 01, 2018/sm