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

+ **BAIL APPLN. 3093/2019**

BAJRANGI

..... Petitioner

Through Mr. Ishwar Singh, Adv.

versus

STATE

..... Respondent

Through Mr. Hirein Sharma, APP for State
SI Jasmer Singh, PS Jhangir Puri

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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16.12.2019

CRL. M. A. 42737/2019 (exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 3093/2019

The instant bail application has been filed under the provisions of Section 439 Cr.P.C. for grant of bail to the petitioner/ applicant in FIR No.364/2018 dated 16.08.2018 registered at Police Station Jahangir Puri, District North West, Delhi.

The case of the prosecutrix is that on one night of October, 2016, while she was sleeping at her home, the petitioner came and woke her up and started doing wrongful acts with her and the petitioner removed his clothes and also of her and raped. The petitioner also allegedly extended threats of dire consequences to her if she would report the same, thus, raped

her on many occasions. On 16.08.2018, the victim disclosed all these facts to her school teacher, who made a PCR call on the basis of which, the above mentioned FIR was registered.

Learned counsel for the petitioner submits that public witnesses have already been examined by the Trial Court and the statement of victim has also been recorded before the learned Trial Court. However, she deposed in an unreliable manner as she has not supported the case of prosecution, starting of her evidence and later on corroborated facts from her earlier statement under Sections 161/164 Cr.P.C.

It is submitted that the mother of the victim / prosecutrix is also an accused in the present case, who has been granted bail by the Trial Court. The allegations against the mother are that she had abated the offence and was charged for the same.

Learned counsel for the petitioner submits that the petitioner and the co-accused have already been charged for the offences having same punishment and as per quantum of punishment, gravity and seriousness of offence, the punishment can't be more or less against the petitioner and co-accused.

It is not disputed that the petitioner is in JC since 16.08.2018 and he is no more required for any further investigation. The prosecutrix has submitted that initially she made statement against the petitioner that he sexually exploited her for 2-3 years and on a subsequent date, she disclosed the same to her school teacher. However, she later made false statements just to save her mother.

Taking into account the facts and circumstances of the present case, I hereby direct that the petitioner be released on bail on his furnishing

personal bond in the sum of ₹15,000/- with one surety of the like amount to the satisfaction of the Trial Court.

The application is allowed and disposed of.

Order *dasti* under signatures of the Court Master.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for compliance.

SURESH KUMAR KAIT, J

DECEMBER 16, 2019

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