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

+ **BAIL APPLN. 2518/2019**

SHADAB

..... Petitioner

Through Mr Ankit Kumar Lohan, Advocate.

versus

STATE

..... Respondent

Through: Mr Tarang Srivastava, APP for State.
Ms Meenakshi Chauhan, APP for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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22.11.2019

1. The petitioner has filed the present petition, *inter alia*, seeking bail in connection with FIR No. 396/2018 under Sections 376/328/506 IPC read with Section 6 of Protection of Children from Sexual Offences Act, 2012 registered with Police Station Nabi Karim, Central, Delhi.
2. The said FIR was registered at the instance of the prosecutrix. The prosecutrix was a minor girl aged 16 years at the material time. She alleged that she had mistakenly dialled a wrong number but thereafter, she had started receiving calls from that number. She had stated that the person calling her had identified himself as Rihan and he initiated conversations to befriend her. He had also promised to marry her. She had further stated that she met him at Inderlok Masjid and he had then invited her to have a coffee together, to which she agreed.
3. She alleged that Rihan had taken her to a hotel named Parth Hotel

Palace and then he had given her a cold drink (Sprite), which did not smell nice and after consuming the same, she felt giddy. She alleged that, thereafter, he raped her. According to her, he had repeated the offending act again. Rihaan had also promised her that he would marry her.

4. She had alleged that thereafter, she had asked him to marry her but he had declined. He also threatened that he would kill her father if she did not remain quiet. She had stated that she subsequently became aware that Rihaan's real name was Shadab. She also became aware that he was already married and had children.

5. The testimony of the prosecutrix has been recorded and she has turned hostile. She has now affirmed that she had made the statement in anger, as the accused had refused to marry her. She has also stated that the petitioner had not established any physical relationship with her.

6. The learned counsel appearing for the appellant also points out that the medical evidence does not support the case of any forcible sexual act, as no injuries were found on the body of the prosecutrix. Further, she had declined to undergo any internal examination.

7. The petitioner has been in custody for almost a year since 27.11.2018. In view of the above circumstances, this Court considers it apposite to allow the present petition.

8. The petitioner is released on parole on his furnishing a personal bond in the sum of ₹25,000/- with two sureties of the equivalent amount to the satisfaction of the concerned Trial Court. The petitioner shall not leave the National Capital Territory of Delhi and shall provide his contact details to the concerned SHO (SHO, P.S. Nabi Karim), including a mobile number and ensure that he is reachable at all times.

9. The petition is disposed of.
10. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

NOVEMBER 22, 2019

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