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

+ BAIL APPLN. 272/2019 & CrI.M.A. No.2384/2019

PRAMOD KUMAR

..... Petitioner

Through: Mr.Somvir S. Deswal, Advocate

Versus

STATE

..... Respondent

Through: Mr. Additional Public Prosecutor  
for State.

Ms.Jubli Momalia, Advocate for  
DCW on behalf of complainant

**CORAM:**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**  
**01.02.2019**

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Petitioner seeks pre-arrest bail in case FIR No. 656/2018 under Sections 376/420 of IPC, registered at Police Station Maurya Enclave, District North West, Delhi while claiming to be innocent.

Learned counsel for the petitioner submits that petitioner is a driver by profession and his co-accused-*Baba Paras Ram* has engaged him to travel to Haridwar and petitioner, on the asking of the prosecutrix had got tea and Pakora for her and thereafter gone to visit Mansa Devi Mandir and when he came back, his co-accused-*Baba Paras Ram* told him to drop the prosecutrix at her home and he did it. It is submitted that petitioner had done no wrong and so, he deserves the concession of pre-arrest bail.

Learned Additional Public Prosecutor for State opposes this application by pointing out that it is recorded in the FIR that after taking the tea and Pakora brought by petitioner, prosecutrix had become semi-conscious and thereafter co-accused of petitioner had raped her.

It is pointed out that the prosecutrix in the FIR has clearly stated that petitioner and his co-accused had together did bad act to her i.e. committed rape upon her.

Learned Additional Public Prosecutor for the State submits that delay of about 9 months in lodging of this FIR stands explained from the fact that after this incident, the prosecutrix had gone into depression and had lost respect for *Baba Paras Ram* and was frightened because *Baba Paras Ram* may do black magic upon her family members but the prosecutrix had gathered courage to disclose about this incident of rape to her family members, who had supported her and hence, the matter was reported to the police.

Learned Additional Public Prosecutor for the State submits that the offence committed by the petitioner is heinous and he does not deserve the concession of pre-arrest bail.

Upon hearing and on perusal of the FIR of this case, copy of the statement of prosecutrix recorded under Section 164 of Cr.P.C. and on the considering on the delay aspect, I find that the prosecutrix in her statement under Section 164 of Cr.P.C. has excluded petitioner and has not levelled any allegation of rape or of intoxicating her against petitioner.

Without commenting on merits of this case, it is directed that in the event of arrest, petitioner be admitted to bail subject to his furnishing bail

bond in the sum of ₹15,000/- with one local surety of the like amount to the satisfaction of the Investigating Officer. Petitioner is directed to join the investigation as and when called by way of a notice and in case, petitioner fails to join and cooperate in the investigation or tries to tamper with the evidence, then respondent-State shall be at liberty to get this order revoked.

With the aforesaid directions, the applications are disposed of.

*Dasti.*

**(SUNIL GAUR)**  
**JUDGE**

**FEBRUARY 01, 2019**

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