

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

Date of decision: November 25, 2019

+ **BAIL APPLN. 327/2019**

KRISHAN KANT SHASHTRI

..... Petitioner

Through: Ms. Chenan Paswani, Ms. Sajni
Kushwawah & Ms. Shivangi
Nanda, Advocates for petitioners

Versus

STATE

..... Respondent

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for State with
WSI Manisha

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

JUDGMENT

BRIJESH SETHI, J (oral)

Petitioner is seeking bail in FIR No. 583/2016, under Sections 365/366/367/370/370A(2)/376D/34 IPC, registered at police station Nihal Vihar, Delhi vide this application.

Learned counsel for petitioner submits that petitioner is a handicapped person with 80% permanent physical disability and he has been falsely implicated in this case. Learned counsel for petitioner further submits that petitioner is in custody since 13th July, 2016 and charge has already been framed and that out of twelve witnesses, only four witnesses have been examined so far and that since trial in the present case will take long time and also the fact that petitioner is no longer required for the

purpose of investigation, he be released from jail.

The bail application is vehemently opposed by learned Additional Public Prosecutor for respondent/State, who submits that the allegations leveled against petitioner are of serious nature. It is alleged that on the pretext of prosecutrix getting married in a decent family, petitioner kidnapped her. Petitioner with his co-accused committed rape upon her and thereafter, sold her. The prosecutrix has corroborated her statement recorded under Section 164 Cr.P.C. before the trial court. It is further alleged that co-accused persons are absconding and have been declared proclaimed offenders and if petitioner is released on bail, there is likelihood of his absconding too. Learned Additional Public Prosecutor for State informs that out of twelve witnesses, seven witnesses have already been examined.

Heard.

I have considered the rival submissions. The allegations against petitioner are very serious in nature. There are not only allegations of rape but there are allegations that the victim was sold thereafter by the petitioner. The victim has also deposed on the above lines before the court concerned. In view of the above facts appearing on record, no grounds for bail are made out. The application is, therefore, dismissed.

(BRIJESH SETHI)
JUDGE

NOVEMBER 25, 2019

r