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

\+ **BAIL APPLN. 1440/2019**

NEHA @ SUNITA ..... Petitioner

Through Mr Kamal Goswami, and
Mr S.S. Rawat, Advocate.

versus

THE STATE OF NCT OF DELHI ..... Respondent
Through: Ms Kusum Dhalla, APP for State.
WSI Suman, P.S. Mandawali, Delhi (D-5683).

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% 19.11.2019

1. The petitioner has filed the present petition, *inter alia*, seeking bail in connection with FIR No. 696/2015, under Sections 323/342/365/376D/109/506/34 of the IPC, registered with Police Station Mandawali.

2. The said FIR was registered at the instance of the prosecutrix (name withheld). She had alleged that she had been sexually assaulted by one Bijnesh @ Deepak and Dinesh. The prosecutrix has testified that she was friend with one Ruby and had voluntarily gone to her house. She states that Ruby had represented that she could arrange employment in a water factory. She states that on their way they had stopped at Anand Vihar Bus Stand where Ruby had brought a cold drink for her. She states that she had consumed the same and, thereafter, become unconscious. She further stated that when she regained consciousness, she found herself in corn fields. She

alleges that she was surrounded by five persons: the petitioner; her husband Bijnesh; Ruby; her husband Dinesh; and one other person. The fifth person had hit her with a *danda*. She has also alleged that Dinesh had put a pistol on her head. She further states that she was raped at the spot by Dinesh and Bijnesh and the fifth person had also misbehaved with her.

3. All material witnesses have been examined. The petitioner has been in custody for over four years.

4. At this stage, this court is refraining from making any observations on the testimony of the prosecutrix and other witnesses, however, this Court is of the view that it would be apposite to allow the present petition and grant the petitioner bail considering the evidence as well as the fact that the petitioner has been in custody for a significantly long period of time. There is also little possibility of the petitioner now influencing any of the witnesses.

5. In view of the above, the petition is allowed. The petitioner is directed to be released on bail on her furnishing a personal bond in the sum of ₹10,000/- with two sureties of the equivalent amount to the satisfaction of the Trial Court. The petitioner shall provide her contact number and complete details of her permanent address to the concerned SHO and ensure that she is reachable at all times.

6. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

NOVEMBER 19, 2019
pkv