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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1817/2019**
SONU @ SAGAR Petitioner

Through: Mr. Ravish Roshan and Kumari
Pragya, Advocates

versus

THE STATE OF DELHI Respondent

Through: Mr G.M.Farooqui,
APP for State.
SI Shashi Kant, PS Seemapuri.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

% **12.09.2019**

Vide this order, I shall dispose of an application under section 439 Cr.P.C. moved on behalf of petitioner Sonu @ Sagar for grant of bail in FIR no. 547/2018, u/s. 376-D/506/377/366/370A/109/34 IPC, PS Seemapuri.

Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated in the present case. He is in JC since 07.10.2018. No specific role has been assigned to him. He has been roped in the present case because one of the co-accused Rohit is known to him. There are no chances of petitioner fleeing away as he has roots in the society and he be, therefore, released on bail, in the interest of justice.

In brief, the case of the prosecution is that in the month of June

2018, the victim had come to Delhi in search of livelihood. At New Delhi Railway Station, one Rahul had met her and they had exchanged phone numbers. Rahul had promised her that he will arrange a job for her in a beauty parlour on a monthly salary of Rs. 20,000/- per month. Later on, she had contacted Rahul on 8th July, 2018 and came to Delhi to meet him near Seemapuri Gol Chakkar. At that time accused/petitioner Sonu @ Sagar and Rohit had also accompanied Rahul. They had taken her into a flat bearing no. C-26, Ground Floor, Dilshad Colony, Delhi. There Rahul and Rohit had sexually assaulted her. They had also threatened her that her video clip will be leaked on her disclosing the incident to anyone. Thereafter, they had forced her to indulge in immoral trafficking activities and also threatened to kill her if she resisted. However, on 16.09.2018, the victim had somehow managed to escape from the clutches of accused persons.

I have heard the Ld. Counsel for the petitioner and Ld. APP for the State.

During investigation, it has come on record that petitioner Sonu @ Sagar used to take the victim to different clients at different places. The victim in her statement, recorded under section 164 Cr.P.C., has clearly stated that she was sent to different persons for establishing sexual relationship and petitioner Sonu @ Sagar used to drop her and thereafter used to pick her up.

Ld. Counsel for the petitioner has, however, argued that there is improvement in the statement of prosecutrix recorded under Section 164 Cr.P.C. In her first statement, she has not disclosed the fact that petitioner Sonu @ Sagar used to take her to different places for

establishing sexual relations with different persons.

It is well settled principal of law that FIR is not an encyclopaedia which is expected to contain all the details of the prosecution case. The subsequent statement made by the prosecutrix under Section 164 Cr.P.C. clearly assigns a role to the petitioner. The petitioner, in fact has played an active role in committing the offences punishable under section 370A/120B IPC and 4/5/6 ITP Act. The prosecutrix has disclosed that co-accused Rahul and Rohit also committed unnatural sex with her and also forced her to have unnatural sex with other persons. She further deposed that she was forced to have unnatural sex with one Shivani also with the help of artificial instrument attached with a belt. Keeping in view the gravity of offence and in view of the fact that case is at the stage of recording of evidence and co-accused Rohit @ Javed is absconding and proceedings under section 82 Cr.P.C. have been initiated against him, no grounds for bail are made out. The bail application of the petitioner Sonu @ Sagar is, therefore, dismissed.

BRIJESH SETHI, J

SEPTEMBER 12, 2019

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