

\$~11

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

+ **BAIL APPLN. 1981/2019**

SANJEEV BATRA

..... Petitioner

Through Mr Dhan Mohan, Ms Tanu B. Mishra,
Mr Ravi Mishra, Advocates.

versus

STATE

..... Respondent

Through Mr Amit Gupta, APP for State.
SI Anju Tyagi, P.S. Maya Puri present.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

11.09.2019

1. The petitioner has filed the present petition, *inter alia*, seeking bail in connection with FIR No. 266/2018, under Sections 376/506 of the Indian Penal Code, 1860, registered at P.S. Mayapuri.
2. The said FIR was registered at the instance of the petitioner's sister-in-law (wife of the petitioner's brother – hereafter 'the complainant'). The complainant had alleged that her marriage was solemnized on 08.02.2004. She states that her age was fifteen years at the material time. She alleges that on reaching her matrimonial home, her husband's younger brother, the petitioner herein, had raped her and established a physical relationship with her. She states that she did not understand what was happening to her. After one year she became pregnant and delivered a female child. She alleges that the said girl child is from the petitioner.

3. It is also stated in the FIR that the complainant's husband (petitioner's brother) is a mentally disturbed person.
4. The complainant further alleges that in the year 2007, the petitioner, her husband and her father-in-law threw her out of the matrimonial house. She is one of the five sisters and states that she is in a hapless situation as her father has expired and she does not have any funds to support herself. She has also alleged that every time she went to her matrimonial home to demand for maintenance and expenses, the petitioner attempted to make physical relationship with her. The complainant has also filed a case under the Domestic Violence Act, 2005.
5. The chargesheet has already been filed.
6. The petitioner was arrested after the chargesheet was presented before the Trial Court.
7. It is noticed that the incidents complained of in the said FIR are of the year 2004 to 2007. The FIR in question was filed in the year 2018.
8. According to the petitioner, the complainant was not a minor at the relevant time.
9. At this stage, this Court is not required to examine the evidence and other material as may be collected by the IO. However, since it is clear that the incidents reported by the complainant occurred eleven years ago, there is little probability of the petitioner tampering with any material evidence. In view of the above, this Court considers it apposite to allow the present application.
10. It is, accordingly, directed that the petitioner be released on bail on his

furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount to the satisfaction of the Trial Court. The petitioner shall ensure that he does not contact the complainant and her daughter or attempt to influence them in any manner. The petitioner shall ensure that his whereabouts are duly reported to the Trial Court and he is reachable at all times. In the event any further investigations are conducted by the IO, the petitioner shall fully cooperate in the same. Needless to state that if any of the conditions are violated by the petitioner, the bail granted to the petitioner shall be cancelled.

11. The petition is allowed in the aforesaid terms.
12. Order *dasti* under signatures of the court master.

SEPTEMBER 11, 2019
pkv

VIBHU BAKHRU, J