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

+ **BAIL APPLN. 2540/2019**

BACHCHU SINGH

..... Petitioner

Through Mr Mohammad Ali, Advocate.

versus

STATE

..... Respondent

Through SI Neeraj, P.S. prem Nagar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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20.12.2019

1. The petitioner has filed the present application, *inter alia*, praying that he be released on bail in connection with FIR No. 338/2019 under Sections 376/506/34 IPC, registered with Police Station Prem Nagar.
2. The said FIR was registered at the instance of the sister-in-law of the accused (wife of the petitioner's brother). She had alleged that she was married to her husband thirteen years ago, however, her husband was mentally disabled. She alleged that the petitioner had, over the period of eight or nine years, raped her on numerous occasions. She had further alleged that whenever she opposed the petitioner, he would beat her. She alleged that the wife of the petitioner was also complicit in the crime and used to administer some kind of drug in her food, thus, enabling the petitioner to rape her. She has also made allegations against the brother of the petitioner's wife.
3. In addition to the aforesaid allegations, the complainant had also

alleged that the petitioner had stolen a sum of ₹50,000/- in cash and her jewellery, which she valued at ₹1,00,000/-.

4. The charge sheet has been filed and the investigation is complete. The petitioner has been in custody since for over five months.

5. It has now been verified that the complainant does not reside with the family of the petitioner and she resides separately.

6. Considering that the FIR in question was filed after a considerable delay and the allegations made are in respect of incidents that span over several years; and the status report does not indicate that the allegation regarding theft of jewellery and cash have been substantiated, this Court considers it apposite to allow the present petition.

7. The petitioner is directed to be released on bail, on his furnishing a personal bond in the sum of ₹20,000/- with two sureties of the equivalent amount to the satisfaction of the Trial Court. The petitioner shall not contact the complainant or try to influence her or the other witnesses in any manner. The petitioner shall ensure that he is available before the Trial Court on all dates of hearings. The petitioner shall also report to the SHO, P.S. Sultan Puri on the first Monday of every calendar month at 10.30 a.m.

8. The application is disposed of in the aforesaid terms.

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

VIBHU BAKHRU, J

DECEMBER 20, 2019

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