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

+ **BAIL APPLN. 2190/2018**

SWATI JAIN

..... Petitioner

Through

Mr. F.K. Jha and Mr. Shashank Singh,
Advs.

versus

GOVT. OF NCT OF DELHI

..... Respondent

Through

Mr. Hirein Sharma, Addl. PP for the
State

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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08.01.2019

1. Petitioner seeks regular bail in FIR No. 467/2017 under Section 365/34 (as per FIR) and 498-A/304-B/302/201/182/120-B/34 of the IPC registered at Police Station Rani Bagh.
2. Learned counsel for the petitioner submits that the petitioner is a lady having child aged about 3 years and all other family members are already incarcerated in the subject FIR.
3. Learned counsel for the petitioner submits that Section 437 Cr. P.C. empowers even a Session court to enlarge a woman on bail even if she is charged with an offence punishable with death or life imprisonment.
4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and prays that drawing analogy of Section 437 Cr. P.C., petitioner be granted bail.
5. Learned Addl. PP opposes the prayer and submits that independent

public witnesses are yet to be examined. He submits that one of the crucial witness Smt. Girja who was the housemaid is yet to be examined and in case the petitioner is granted bail, at this stage, there is a possibility that petitioner may endeavour to influence the housemaid. He further submits that the directions be issued to first examine Smt. Girja prior to consideration of the present petition. He informs that the next date before the trial court is 01.02.2019.

6. In view of the above apprehension expressed by learned Addl. PP, trial court is directed to summon Smt. Girja for the next date of hearing and endeavour to examine her.

7. Learned counsel for petitioner who appears for all the accused submits that in case Smt. Girja appears on 01.02.2019, he shall conclude her cross-examination within one day subject to sufficient time being provided by the trial court.

8. In view of the above, renotify on 12.02.2019.

9. Trial court is directed to summon Smt. Girja for the next date of hearing.

10. List before trial court for issuance of appropriate directions in terms of this Order on 11.01.2019.

11. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

JANUARY 08, 2019
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