

\$~4

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

% Judgment delivered on: 16.01.2019

+ BAIL APPLN. 2623/2018

RAJENDER

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr.Pramod Kumar and Mr.Shavaj Khan, Advs.

For the Respondent : Ms.Kusum Dhalla, Addl. PP for the State with SI
Ramesh, P.S.Mundka.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

16.01.2019

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 236/2017 under Sections 323/376/506 of the Indian Penal Code, 1860 registered at Police Station Mundka.

2. It is alleged that the prosecutrix has filed a complaint alleging that she was a resident in the house of the petitioner and for the last about three months he was pressing her to make physical relationship which she was declining. On the date of the incident it is alleged that he forcibly committed the offence of rape on her.

3. Learned counsel for the petitioner submits that the petitioner has

been falsely implicated and there is no material to substantiate that any offence was committed by the petitioner. Learned counsel further submits that there is material discrepancy in the statement as recorded in the FIR and the statement of the prosecutrix under Section 164 Cr.P.C and both the statements are not corroborated by the MLC.

4. Status report has been filed which indicates that the prosecutrix has expired on 10.08.2018.

5. Learned APP submits that evidence of the prosecutrix has not yet been recorded before the Trial Court.

6. Petitioner has been in custody since 07.09.2017.

7. Without commenting on the merits of the case and keeping in view of the totality of the facts and circumstances, I am satisfied that the petitioner has made out a case for grant of regular bail.

8. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court. Petitioner shall be released on bail, if not required in any other case. Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses.

9. The petition is disposed of in the above terms.

10. Order *Dasti* under signatures of the Court Master.

JANUARY 16, 2019/rk

SANJEEV SACHDEVA, J