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

+ **BAIL APPLN. 2424/2019**

SHADAB

..... Petitioner

Through Mr. Anurag Chauhan and Mr.
Tajinder Singh, Advs.

versus

STATE

..... Respondent

Through Mr. Amit Chadha, APP for State
SI Rajeshwar, PS Palam Village

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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10.02.2020

Vide the present petition, the petitioner seeks anticipatory bail in the event of his arrest in FIR No. 147/2019 dated 30.03.2019 registered at Police Station – Palam Village for the offences punishable under Sections 366/506/328/34 IPC and 6 POCSO Act.

Case of the prosecution based upon the complaint of brother of the prosecutrix is that on 30.03.2019, examination of her sister of physical education was to be held from 10:00am to 01:00 pm. Her younger brother 'B' dropped her sister victim 'X' at school but at 10:30 am, school staff informed him that his sister did not come to school for examination. Accordingly, he went to school and asked from the people there about whereabouts of his sister. He came to know that his sister went with Salman who resides near his house at Durga Park. He called 100 number, thereafter, he went to the police station and disclosed that this sister is 17 years, having

pithoo bag of pink colour is missing and has gone with Salman.

As per the statement of the prosecutrix, she named Salman and one other person who is the petitioner herein, as disclosed by Salman in his disclosure statement.

Case of the prosecution is that petitioner gave sedative to the prosecutrix and thereafter they both took her on scooty to a room. There, petitioner left that place and salman raped the prosecutrix.

As per statement of brother of the prosecutrix, he dropped prosecutrix at school and the exam was to be held between 10:00 am to 01:00 pm. It is not believable that from the school Salman along with petitioner herein, took her forcibly after giving her a sedative. Moreover, no allegation of rape against petitioner.

However, without commenting on the merits of the case, this Court is of the considered view that present case is fit for anticipatory bail.

Accordingly, The SHO/ Arresting Officer/IO is hereby directed that in the event of arrest, petitioner/ applicant be released on bail on the following terms and conditions:-

(i) Petitioner shall furnish a personal bond in the sum of ₹10,000/- with one surety in the like amount subject to the satisfaction of Arresting Officer/SHO/IO concerned;

(ii) Petitioner shall cooperate with the investigation and make himself available for interrogation by police officer, as and when required;

In case of default of aforementioned conditions, the State is at liberty to take appropriate recourse in accordance with law.

Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of

the case.

Trial Court shall not get influenced by the observations made by this Court, while passing the final orders in the trial.

Application stands allowed and disposed of.

Order dasti under signatures of the Court Master.

SURESH KUMAR KAIT, J

FEBRUARY 10, 2020

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