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

+ **BAIL APPLN. 2632/2019**

USMAN

..... Petitioner

Through

Mr. M. S. Khan, Mohd. Saji and Mr.
Arun Saxena, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through

Mr. Amit Chadha, APP for State
Insp. Rajnikant, PS Khajuri Khas

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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17.02.2020

Vide the present application, petitioner seeks anticipatory bail in the event of his arrest in FIR No. 603/2018 dated 01.12.2018 registered at Police Station – Khajuri Khas.

Undisputedly facts of the case are that alleged incident took place on 30.11.2018 and FIR for the same was registered on 01.12.2018 on complaint of mother of the prosecutrix under Section 363 IPC. Thereafter on 21.12.2018, prosecutrix was produced before learned MM by an NGO and there her statement was recorded under Section 164 Cr.P.C. and on the same date MLC of the prosecutrix was conducted.

It is not in dispute that name of the petitioner is neither in the complaint made by mother of the prosecutrix nor in the statement of prosecutrix recorded under Section 164 Cr.P.C. Moreover, there is no allegation of rape against petitioner in MLC.

Thereafter, statement under Section 161 Cr.P.C. was recorded whereby, allegations against petitioner, his father and mother of the petitioner were levelled.

The mother of the petitioner was arrested and released on bail vide order dated 28.12.2018 by the Ld. trial Court. Father of the petitioner was released on anticipatory bail vide order dated 02.03.2019 by the Court of Sessions.

It is pertinent to mention here that prosecutrix declined to get her examine internally and there is no scientific evidence on record that any sexual assault was committed upon the prosecutrix.

However, the petitioner and the parents were intimidated pursuant to the statement recorded under Section 161 Cr.P.C. belatedly and after thought.

However, without commenting on the merits of the case, this Court is of the considered view that the present case is fit for anticipatory bail. The SHO/ Arresting Officer/IO concerned, is hereby directed that in the event of arrest, petitioner/ applicant shall be released on bail on the following terms and conditions:-

(i) Petitioner shall furnish a personal bond in the sum of ₹15,000/- 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.

Application stands allowed and disposed of.

Order dasti under signatures of the Court Master.

SURESH KUMAR KAIT, J

FEBRUARY 17, 2020

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