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

+ **BAIL APPLN. 29/2020**

AFSAR

..... Petitioner

Through **Mr.R.K. Gupta, Adv.**

versus

STATE

..... Respondent

Through **Mr. Hirein Sharma, APP for State.
SI Shubhangi PS Mayur Vihar.**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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25.02.2020

Present petition is filed under section 439 read with section 482 Cr.P.C. for grant of regular bail of petitioner in pursuance to FIR No.189/2019 registered at Police Station Mayur Vihar for the offences punishable under section 376/120-B/328/506 IPC.

Case of the petitioner is that prosecutrix and petitioner were known to each other as he is maternal uncle of prosecutrix in relation and prosecutrix intentionally and deliberately involved petitioner in the said case. It is stated that prosecutrix was in love with one Gaurav r/o House No.D-958, Tigri, J.J. Colony, Dr. Ambedkar Nagar, Delhi. When petitioner came to know about the love affair of prosecutrix with Gaurav, he immediately informed the mother of prosecutrix, due to this prosecutrix falsely implicated petitioner and her aged mother in the said case, whereas petitioner has no nexus with the alleged offence.

It is not in dispute that petitioner is maternal uncle of prosecutrix and

co-accused i.e. mother of prosecutrix has not been arrested and chargesheet has been filed without arrest.

It is also not in dispute that petitioner is in judicial custody since 13.06.2019 and trial shall take substantial time.

However, without commenting upon the merits of the case, I am of the view that the present case is fit for bail.

Accordingly, petitioner shall be released on bail on his furnishing personal bond in the sum of ₹15,000/- with one surety of the like amount to the satisfaction of the Trial Court.

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

The present bail application is allowed and disposed of.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for compliance.

Order *dasti* under the signatures of Court Master.

SURESH KUMAR KAIT, J

FEBRUARY 25, 2020
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