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

+ **BAIL APPLN. 106/2020**

MINTU @ NASEEM

..... Petitioner

Through Mr Satish Kumar Tripathi, Advocate with
petitioner in person.

versus

STATE

..... Respondent

Through Mr Amit Gupta, APP for state.
SI Seema, P.S. Jamia Nagar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.02.2020

1. The petitioner has filed the present petition, *inter alia*, praying that he be granted bail in connection with FIR No. 71/2019, under Sections 452/354/323/506/366/376(2)(h)(j)(1) of the IPC, registered with Police Station Jamia Nagar, Delhi.

2. The said FIR was registered at the instance of the elder sister of the victim (hereafter referred to as 'X'). The complainant had alleged that her sister 'X' is divorced and is living with the complainant and her husband, who are labourers. She had stated that 'X' has seven children and is mentally weak. She further alleged that the petitioner also resides in the vicinity and he used to enter their house and misbehave with her sister. She had also alleged that the petitioner used to extend life threats and had forcibly taken 'X' on several occasions and kept her with himself throughout the night. She stated that whenever 'X' refused to go with him, he would beat her and take her away by force. She submitted that because of this

behaviour of the petitioner, her husband had quarrelled with the petitioner on several occasions.

3. She stated that on 02.04.2009 at about 7.00 p.m., the petitioner had taken away 'X' from the *jhuggi* by dragging 'X' in front of her and had made her forcibly sit on a motor cycle. She stated that he left her at 6.00 a.m. in the morning and had once again come at 10.30 a.m. and terrorised them. She stated that in view of this behaviour, she called number 100 and the police had reached the spot, but the petitioner had fled by the time they had arrived.

4. The status report has been filed which indicates that 'X' was medically examined and the said report indicates that she is of mentally unsound mind. The complainant, the elder sister of X, had stated that the petitioner had repeatedly taken 'X' to some place and had established physical relations without her consent and the last incident had taken place on 02.04.2019.

5. On medical examination of 'X', it was found that she was pregnant. She had desired that the pregnancy be terminated, which was done. The foetus was examined and its DNA profile did not match with the DNA profile of the petitioner.

6. In view of the above, it appears that 'X' was exploited by a person other than the petitioner.

7. At this stage, it is not necessary to examine the evidence in any detail; however, considering the above, this Court considers it apposite to allow the present application.

8. The petitioner is directed to be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the equivalent

amount to the satisfaction of the Trial Court. This is also subject to the following further conditions:-

- (a) The petitioner shall ensure that he attends all the proceedings/hearings before the Trial Court;
 - (b) The petitioner shall mark his presence before the concerned Police Station on every Monday of the calendar month;
 - (c) The petitioner shall not leave the National Capital Territory of Delhi without the approval of the Trial Court;
 - (d) The petitioner shall also provide his mobile number and shall ensure that he is reachable at all times;
 - (e) The petitioner shall not come within a two kilometre radius of the place where 'X' resides and if necessary, the petitioner shall shift his residence to a locality other than where 'X' resides;
 - (f) The petitioner shall also not try to contact the victim or any one of her family members or try to influence them either directly or indirectly, in any manner.
9. The petition is allowed in the aforesaid terms.
10. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

FEBRUARY 27, 2020/ pkv