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

+ **BAIL APPLN. 654/2020**

SETTU

..... Petitioner

Through Mr.S. Hariharan, Adv. with
Ms.Jaikriti & Mr.S. Jadeja, Advs.

versus

STATE (N.C.T. OF DELHI)

..... Respondent

Through Mr. Amit Chadha, APP for State.
SI Shubhangi PS Mayur Vihar.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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05.03.2020

Crl. M.A. 4945/2020

Allowed, subject to all just exceptions.

Application is disposed of.

Bail Appln.654/2020

Present petition is filed under section 439 Cr.P.C. for release of petitioner in pursuance to FIR No.292/2019 dated 24.09.2019 registered at Police Station Mayur Vihar-Phase I for offences punishable under sections 354(B)/365/328/385 IPC.

Case of the prosecution is that prosecutrix has been living in Trilokpuri, Delhi for the last four years and working as a maid in Supreme Enclave and Anand Lok. She stated that about 20 days ago, one person, namely Ashok, called her on mobile number 8447098778 from number

8826609306 and asked her if she knew how to cook food and offered her a job. Accordingly, he offered to pick her up from gate of Supreme Enclave. When she reached near the gate, she was picked her up and took her to a building that looked like a Hotel and lift was of glass and people were having meal on ground floor. She was offered a toffee after being taken to a room after which she fell unconscious. After about 1 ½ hours, when she regained her senses, the said man was in the room and her clothes were off.

Further case of the prosecution is that a video of her sexual abuse was made and she was blackmailed by the same. To this effect, on 26.09.2019, statement of complainant was recorded under section 164 Cr.P.C. and thereafter on 01.10.2019, petitioner was arrested.

Case of the petitioner is that call records indicate that the parties knew each other and the first call, from the said number i.e. 8447098778, was made by complainant. There is no material on record that could indicate petitioner would threaten the witnesses and observations run contrary to the dicta laid down by the Hon'ble Supreme Court in case ***P. Chidambaram vs. Enforcement Directorate in Crl. Appeal No.1831/2019***. The number on which alleged video clip was received is issued in the name of one Kuppusamy and not in the complainant's name. Moreover, second number mentioned above does not belong to prosecutrix. However, the said number belongs to friend of prosecutrix.

On instructions, learned APP has fairly conceded that there is photo of prosecutrix in the video clips, however, petitioner is not seen in the said video clip.

However, without commenting upon the merits of the case and the fact that petitioner is in judicial custody since 01.10.2019, I am of the view

that petitioner deserves bail.

Accordingly, petitioner shall be released on bail on his furnishing a personal bond in the sum of ₹20,000/- with one surety of the like amount to the satisfaction of 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. Trial Court shall not get influenced by the observations made by this Court, while passing the final orders in the trial.

The present petition 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

MARCH 05, 2020

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