

\$~ 1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ Bail Appln. No. 673/2020

SHABNAM

..... Petitioner

Through: Mr.R.N.Sharma, Advocate

versus

STATE

..... Respondent

Through: Mr.G.M.Farooqui, APP for the State

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

%

15.06.2020

The applicant vide the present application seeks grant of regular bail submitting inter alia to the effect that the applicant has been falsely implicated in the case.

The status report has been submitted on behalf of the State along with copy of the statements under Section 164 of the Cr.P.C. of the prosecutrix.

On behalf of the applicant it has been submitted that the applicant is the sister of the main accused Salman, who is the person alleged to have raped the prosecutrix. The allegations in the FIR against the applicant are qua the offences punishable under Sections 342/363/365 of the Indian Penal Code, 1860 and Section 21 of the POCSO Act. It has been submitted on behalf of the applicant that at no stage was the applicant involved and that even the MLC at the time of examination of the prosecutrix has brought forth that the prosecutrix for two months had been living with her boy friend and had been recovered at the time and that in the MLC also there is no mention of the applicant i.e. the sister of main accused Salman. It has also

been submitted on behalf of the applicant through the application that the only allegations against the applicant are in relation to her having not given information to the police about the matter.

On behalf of the State, the application is vehemently opposed placing reliance on the statement under Section 164 of the Cr.P.C. of the prosecutrix.

Without any observations on the merits or demerits of the trial that would take place, it is considered essential to observe that though the statement under Section 164 of the Cr.P.C. it is prima facie brought forth to the effect that the applicant had knowledge of the said confinement of the prosecutrix by Salman and that the physical relations were forcibly exerted by Salman with the prosecutrix.

In the circumstances, despite submissions of the applicant that the applicant is an unmarried girl and has been incarcerated for six months, there is no ground whatsoever for grant of bail presently.

The application is declined.

ANU MALHOTRA, J

JUNE 15, 2020/sv