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

+ **BAIL APPLN. 1316/2020**

SULAIMAN AHMADI

..... Petitioner

Represented by: Mr.Girish Sharma, Advocate with
Ms.Sushma Sharma, Advocate.

versus

THE STATE

..... Respondent

Represented by: Mr.Hirein Sharma, APP for State.
Mr.Lalit Basoya, Advocate for the
complainant along with complainant
in person (through video
conferencing).

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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08.07.2020

1. The hearing has been conducted through Video Conferencing.
2. By this petition, the petitioner seeks interim bail in case FIR No. 12/2017 under Sections 376(D)/506/34 IPC registered at P.S. Safdarjung Enclave for a period of eight weeks to look after his parents.
3. The allegations against the petitioner in the above-noted FIR as lodged by the victim are that on 11th January, 2017, she had gone to Moonshine Bar & Restaurant in Hauz Khas village with one Shravasti Ingle where she met one Salim who invited her to his apartment for a bonfire. Thereafter, in good faith, she accepted the request. She dropped her friend Shravasti Ingle at JNU and thereafter went with Salim to his place where

four men and one woman were present. It is the allegation of the prosecutrix that they were there till 3 am whereafter she went to sleep after consuming one glass of wine and when she woke up in the morning, she found the petitioner on the top of her, she tried to push him away but he forced upon her two times and without her consent, the petitioner and Salim forced themselves upon her.

4. The petitioner has been in custody since 12th January, 2017. All the witnesses have been examined including the prosecutrix. By this petition, the petitioner does not seek regular bail but interim bail to look after his parents. The petitioner and his parents are refugees from Afghanistan and petitioner is presently in India for the last seven years. Verification report has been filed by the State indicating that the surgery of the petitioner's father is fixed on 14th July, 2020. Considering the fact that in the family of the petitioner, there is no-one to look after his parents as the other brother and sister of the petitioner are refugees in other countries and the mother of the petitioner also suffers from Osteosarcoma and thus would not be in a position to take care of father while in hospital, this Court deems it fit to grant interim bail to the petitioner.

5. It is, therefore, directed that the petitioner be released on interim bail for a period of eight weeks on his furnishing a personal bond in the sum of ₹1 lakh with one surety bond of the like amount subject to the satisfaction of the learned Trial Court/CMM/Duty Magistrate.

6. It is clarified that the petitioner will not leave the NCT of Delhi during this period of interim bail granted to him. Further, the petitioner and the surety will mention their mobile numbers in the bonds to be furnished and during the interim bail, their mobile phones shall be in active mode so

that as and when required, the petitioner could be contacted.

7. Petition is disposed.

8. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

JULY 08, 2020

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