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

+ BAIL APPLN. 1341/2020

RONAK ALI

..... Applicant

Through Mr. Anoop Kr. Gupta, Advocate

versus

STATE (NCT OF DELHI)

..... Respondent

Through Mr. Manjeet Arya, APP with SI Geeta
Yadav and complainant Salma.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **03.07.2020**

Hearing has been conducted through Video Conferencing.

Present Bail Application has been filed by the Applicant under Section 439 read with Section 482 Cr. PC with respect to FIR No.1161/2019 under Sections 328/376/506 IPC, registered at PS Sultan Puri.

Learned counsel for the Applicant submits that the date of the alleged incident is somewhere in February / March 2016, whereafter the prosecutrix married her daughter with the Applicant on 18.12.2016. He submits that this is a very unnatural conduct of a mother to marry her daughter with a person who has allegedly raped her. He further submits that mobile phone of the neighbour Sanju, from which allegedly threatening audio message was sent to the son of the Prosecutrix by the Applicant as well as the mobile phone of her son, were sent to the FSL way back on 29.11.2019, but the report is still awaited. He further submits that when the Applicant was taken on police remand to the Dargah area in Nizamuddin, even the whereabouts of the hotel, which is the place of the alleged incident, could not be located.

Learned counsel for the Applicant further submits that there was a matrimonial discord between the Applicant and his wife and a Panchayat was held in the Village where the Panchas had directed the prosecutrix to send her daughter back to the matrimonial home. Only because the prosecutrix did not succeed in her design to keep her daughter away from the applicant, she made the present complaint, as a counter-blast. He further submits that the complaint was made on 20.11.2019, i.e. after three years of the alleged incident in February / March, 2016.

Status report has been filed. The illness of the mother of the applicant has been verified. She has been diagnosed as HTN with CVA (Cerebrovascular accident, subacute infarct) with Lt. Hemiparesis with diabetic nephropathy. She has been diagnosed as a high risk patient and is required to undergo dialysis. Ms. Arya submits that as per Status Report, applicant has three brothers who are living with the mother and the father of the Applicant also lives in the same house. Thus there are other members in the family to take care of the mother during the dialysis.

Learned counsel for the Applicant, rebutting the same, submits that the Status Report to the extent it mentions that three brothers of the Applicant live with the mother, is incorrect. He submits that his brother, Fareed has no contact with the family for past several years. His brother Ishrar lives in Bijnaur with his in-laws and the third brother Ikrar, lives in Loni, Ghaziabad. The father of the applicant is aged 80 years and is not in a position to look after the mother.

I have heard learned counsel for the Applicant as well as Additional Public Prosecutor for the State and the Complainant, who submits that at this

stage, she does not want to engage a lawyer and has nothing to say in the matter.

Prima facie this Court finds the conduct of the mother to be unnatural in having married her daughter on 18.12.2016, after he allegedly raped her. It is mentioned in the Status Report that the hotel which is the alleged place of incident could not be located when the applicant was taken to the site during police remand. The FSL Report of the mobile phone in which allegedly the obscene video was recorded by the applicant is still awaited since November, 2016. The serious medical condition of the mother of the applicant has been verified and the medical documents have been found to be genuine.

In view of the facts and circumstances of the case, Applicant is admitted to bail, on furnishing a Personal Bond in the sum of Rs. 50,000/- with two solvent Sureties of the like amount to the satisfaction of the Duty Metropolitan Magistrate. Grant of bail to the Applicant is subject to following conditions: -

- (i) The Applicant shall not leave the jurisdiction of NCT of Delhi without prior permission of the concerned Trial Court.
- (ii) The Applicant shall not get in touch with or extend any threat to the prosecutrix, directly or indirectly, or tamper with evidence.
- (iii) The Applicant shall also provide his mobile number to the concerned Trial Court and shall keep his mobile phone operational at all times. Applicant shall contact the IO telephonically every Monday at 10.am. In case of any change in the mobile number or residential address, prior intimation shall be given to the concerned Trial Court.
- (iv) The Applicant shall participate in the trial.

Application is disposed of in the above terms.

A copy of the order be communicated to the concerned Jail Superintendent for information and necessary action.

Nothing stated in the order will be construed as an expression on the merits of the case. The observations made by the Court are only prima facie observations made for deciding the Bail Application only.

JYOTI SINGH, J

JULY 03, 2020

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