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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN.1889/2020
SMT SADHANA RANI Petitioner
Through: Mr. Karan Kakkar, Advocate with
Mr. Kunal Sharma, Advocate

Versus

STATE OF NCT OF DELHI Respondent
Through: Dr. M.P. Singh, APP for State
Mr. Saurabh Kansal, Advocate with Ms. Pallavi
Kansal, Advocate for Complainant.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER
% **31.07.2020**

1. The present bail application has been filed on behalf of the petitioner seeking anticipatory bail in FIR No. 466/2020 registered under Sections 376/506 IPC and Sections 4/6 of the POCSO Act at Police Station Raj Park, Delhi.

2. Learned counsel for the petitioner submits that in the initial complaint, the petitioner, who is the sister-in-law (*Bhabhi*) of the main accused *Prince*, has not been named. It has been alleged that the prosecutrix was known to the main accused *Prince* since about 1 ½ years prior to the incident. It has been stated that whenever the accused used to be *alone* at home, he used to make physical relations with the prosecutrix in the room of his sister-in-law i.e. the present petitioner and has also made objectionable

videos of her. He submits that in the subsequent statement under Section 164 Cr.P.C. recorded after a period of one week, the prosecutrix has improved her version and has framed the present petitioner as well as the other family members of the main accused. He submits that the charge-sheet has already been filed against the main accused and no mobile phone was seized. He also submits that the petitioner is resident of the second floor whereas the main accused *Prince* was residing on the ground floor. It is further stated that the petitioner has a 16-month old daughter to look after.

3. On the other hand, learned APP for the State duly assisted by learned counsel for the complainant, has vehemently opposed the bail application. He submits that in the statement recorded under Section 164 Cr.P.C., the prosecutrix has stated clearly that whenever accused *Prince* made physical relations with her, the present petitioner used to lock the door from outside. The mobile phone could not be seized as it was reported lost by the petitioner. He, on instructions from the I.O., submits that the prosecutrix has refused her internal examination.

4. In view of the above facts and circumstances of the case and prima facie keeping in view the earlier statement of the prosecutrix, it is directed that in the event of arrest, the petitioner be released on bail, subject to her furnishing a personal bond in the sum of ₹25,000/- with one surety in the like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following conditions:-

- (i) The petitioner shall join investigation as and when she is asked to do so.
- (ii) The petitioner shall not directly or indirectly make any inducement, threat or promises to the complainant or any witness during the trial or tamper with the evidence.
- (iii) In the event of change of his residential address/ contact details, the petitioner shall promptly inform the same to the I.O./SHO.
- (iv) The petitioner shall not leave the jurisdiction of the National Capital Territory of Delhi without prior intimation to the I.O.
- (v) The petitioner shall appear before the Trial Court as and when the charge-sheet is filed.

5. The bail application is disposed of in the above terms.

MANOJ KUMAR OHRI, J

JULY 31, 2020

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