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

+ **BAIL APPLN. 1997/2020**

IMRAN SHAH

..... Petitioner

Through

Mr.Ripun Singh Dhama, Adv.

versus

STATE NCT OF DELHI

..... Respondent

Through

Mr.Panna Lai Shanna, APP for the
State.

W/SI Rooma Yadav/IO.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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01.09.2020

The hearing has been conducted through video conferencing.

1. Present petition has been filed by the petitioner under section 439 Cr.P.C. for grant of regular bail in pursuance to FIR No.157/2020 for the offences punishable under Sections 376-D/506 IPC and 6 POCSO registered at Police Station Khayala.
2. Learned APP has opposed the present petition by stating that there are serious allegations against the present petitioner. Thus, the present petition deserves to be dismissed.
3. Pursuant to the directions passed by this Court vide order dated 21.08.2020, FSL report is on record and as per the said report, Male DNA Profile generated from "*pajami and undergarment of victim*" found to be not matching with "*blood gauze of Salman*" and "*blood gauze of Imran (petitioner herein)*".
4. As per the FIR , three accused persons gangraped prosecutrix on the terrace of factory, co-accused Shahvaj was known to her. He called her and

asked to meet him and took her to the factory where he raped her and thereafter two other accused persons named above raped her.

5. It is pertinent to mention here that in her statement under Section 164 Cr.P.C., prosecutrix has mentioned about rape by Shahvaj but kept silent about allegedly raped committed by other two co-accused.

6. As per FSL report, DNA Profile from “*pajami and undergarment of victim*” was found to be matching with “*blood gauze of Shahvaj*”. Thus, it is established from the said report that two accused persons - petitioner herein and other co-accused namely Salman have not raped the prosecutrix.

7. However, without commenting on the merits of the prosecution case, I am of the view that the petitioner, who is in J.C. since 28.02.2020, deserves bail.

8. Accordingly, he shall be released on bail forthwith on his furnishing a personal bond of Rs.15,000/- and a surety of the like amount to the satisfaction of Trial Court.

9. Petitioner shall not directly or indirectly influence any witness or tamper with the evidence.

10. The Trial Court shall not get influenced by the observation made by this Court while passing the order.

11. The petition is, accordingly, allowed and disposed of.

12. Copy of this order be transmitted to the Jail Superintendent concerned and Trial Court for information and necessary compliance.

13. The order be uploaded on the website forthwith.

SURESH KUMAR KAIT, J

SEPTEMBER 01, 2020/ms