

\$~12

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

+ **BAIL APPLN. 2447/2020**

SABINA

..... Petitioner

Through Mr B.S. Chaudhary, Advocate.

versus

STATE (NCT) OF DELHI

..... Respondent

Through Mr Amit Gupta, APP for State.

Mr Anil Bhardwaj, Ms Narmada, Advocate for
complainant with complainant in person.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

04.09.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, praying that the petitioner be released on anticipatory bail in FIR No. 290/2020 under Sections 376/342/506 of the IPC registered with PS Jahangir Puri.
2. The said FIR was registered on 15.06.2020 at the instance of the complainant (name withheld). On 15.06.2020, a PCR call had been made reporting an incident of rape. The concerned police officials had thereafter, reached the residence of the complainant, which was near the spot where the offence is alleged to have been committed. The complainant was thereafter taken to BJRM Hospital and was medically examined. The MLC does not indicate any injuries.
3. According to the complainant, she had been taken to the house of one

Signature Not Verified

Signed By: DUSHYANT
RAWAL
Location:
Signing Date: 04.09.2020
23:04:43

Kalu (petitioner's husband) on 22.05.2020. She alleged that the petitioner had locked the door of a room confining the complainant with her husband. She had alleged that the petitioner's husband (Kalu) had raped her, on the point of a knife.

4. Her statement under Section 164 of the C.r.P.C. was recorded. In her statement, the complainant had stated that she and Kalu (and his family) used to frequent each other's house and she used to address Kalu as her brother. One day, she was called to his residence and he told her that the petitioner (referred to as *Bhabhi*) had called her. She stated that although she refused but Kalu had taken her to the said house and thereafter, he had raped her. She stated that thereafter on another date, he called her once again and she had again refused. At that stage, he stated that his wife was calling her and thereafter, she had gone to the said house and the petitioner closed the door from inside and Kalu had committed a wrong act (sex) with her.

5. The accused Kalu was arrested and is in judicial custody. At this stage, this Court is refraining from making any observations regarding the allegations made by the complainant. However, this Court is of the view that it is not necessary to detain the petitioner till completion of the investigation.

6. The complainant has also joined the proceedings along with her counsel through video conferencing. Mr Bhardwaj, the learned counsel appearing for the complainant submits that the complainant has been threatened by the family members of Kalu and, therefore, the present petition ought to be dismissed.

7. This Court expects that the allegations of threats allegedly made by the family members of the petitioner would be duly inquired into. However, at this stage, the same are unverified.

8. This Court does not consider it necessary that the petitioner be taken in custody at this stage.

9. In view of the above, the petitioner is granted anticipatory bail on her furnishing a personal bond in the sum of ₹5000/- with one surety of an equivalent amount to the satisfaction of the IO/SHO of PS Jahangir Puri.

This is also subject to the following further conditions:-

- (a) that the petitioner shall not contact the complainant or any of her family members either directly or indirectly;
 - (b) that the petitioner shall not leave the National Capital Territory of Delhi;
 - (c) that the petitioner shall provide a contact number and ensure that she is reachable at all times;
 - (d) that the petitioner shall continue to cooperate with the Investigating Agency.
10. The petition is allowed in the aforesaid terms.

VIBHU BAKHRU, J

SEPTEMBER 4, 2020

pkv