

\$~4

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

+ **BAIL APPLN. 2653/2020**

SEKH SARDUL JARA KHAN Petitioner

Through Mr.Yogesh Kumar, Adv.

versus

STATE GOVT. OF NCT DELHI Respondent

Through Ms.Aashaa Tiwari, APP for State.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

%

14.09.2020

Crl. M.A. 12632/2020 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

Bail Appln.2653/2020

3. Present petition has been filed under section 439 read with section 482 Cr.P.C. for grant of bail in pursuance to FIR No.181/2020 registered at Police Station Gandhi Nagar for the offence punishable under section 376/506/ IPC.
4. Notice issued.
5. With the consent of counsel for the parties, the present petition is taken up for final disposal.
6. Learned APP accepts notice on behalf of State and has opposed the present petition by stating that the prosecutrix, Ms. M's daughter, namely, Roohi, was working in the factory of petitioner. On 21.03.2020, her

daughter left the house, got married to the son of petitioner and thereafter started living with him. Further, on 27.04.2020, another FIR No.188/2020 was registered under section 363 IPC against the son of petitioner alleging that on 21.03.2020, he took away daughter of the prosecutrix by luring her.

7. Learned APP further submits that on 23.04.2020, i.e. date of the incident, petitioner came to talk to the landlady of the house where the complainant was residing and at around 3 pm, upon finding the complainant alone, he committed rape. Moreover, there are scratch marks on the arms of prosecutrix. Thus, there are serious allegations against the petitioner and the present petition deserves to be dismissed.

8. Case of the petitioner is that there are contradictions in the statement of the prosecutrix made in the present FIR and statement recorded under section 164 Cr.P.C. Further, as per statement of daughter of the prosecutrix recorded in case FIR No.188/2020, she stated that no offence has been committed upon her.

9. Further case of the petitioner is that prosecutrix herself requested petitioner to arrange for a rented accommodation. He paid their rents and gave a job to the prosecutrix as well as her daughter. Moreover, there are 6-7 rooms on the same floor where the alleged incident is said to have taken place, in that case, it is difficult to believe that nobody heard the prosecutrix shouting. Regarding the scratch marks as pointed out in the MLC, the prosecutrix might have inflicted upon herself and the same cannot be ruled out.

10. It is not in dispute that chargesheet has already been filed and petitioner is in Judicial Custody since 24.04.2020.

11. Keeping in view the above facts and the fact that trial will take

substantial time, however, without commenting upon the merits of the prosecution case, I am of the view that petitioner deserves bail.

12. Accordingly, he shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the Trial Court.

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

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

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

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

17. The order be uploaded on the website forthwith.

SURESH KUMAR KAIT, J

SEPTEMBER 14, 2020/ab