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

+ **BAIL APPLN. 2656/2020**

DILSHAD

..... Petitioner

Through

Mr. Rizwan Ahmed, Adv.

versus

STATE OF NCT DELHI

..... Respondent

Through

Mr. Tarun Srivastava, APP for State

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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15.09.2020

Crl. M.A. 12651/2020 (Exemption)

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

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3. The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail in FIR No.681/2020, for the offences punishable under Sections 376/506 IPC, registered at PS Khajuri Khas, Delhi.
4. The present petition was filed on 10.09.2020 with advance copy to the other side.
5. Learned APP has opposed the present petition by stating that on 19.03.2020 at around 10:00 pm, while the son and husband of the prosecutrix were in Bijnore and the other children were taking coaching upstairs on the third floor from their cousin sister, the petitioner came to the house of prosecutrix, forcibly took off her clothes and developed physical relations with her without her consent. On the next day, the petitioner again came around 7:00 pm to show the video he had recorded of the said act and was using the same to threaten the prosecutrix. Thus, the present petition

deserves to be dismissed.

6. Learned counsel for the petitioner submits that the petitioner had advanced loan to the prosecutrix's family. As a result of which, she has falsely implicated him in the present case.

7. It is not in dispute that petitioner and the prosecutrix are married and major persons. The alleged incident is said to have taken place on 19.03.2020, however, the FIR was registered on 11.07.2020.

8. It is also not in dispute that the petitioner and the prosecutrix are cousins in relation and are known to each other for the last 17 years.

9. Draft charge-sheet has been prepared. Petitioner is not further required for investigation/interrogation.

10. In view of the above facts and the fact that trial of the case shall take substantial time, without commenting on the merits of the case, this Court is inclined to grant bail to the petitioner.

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

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

13. The petitioner shall not influence/contact directly or indirectly prosecutrix, her family members and the witnesses.

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

15. The order be uploaded on the website forthwith.

SURESH KUMAR KAIT, J

SEPTEMBER 15, 2020/rk