

washroom, the present petitioner had taken her towards the roof of his house and after committing wrong act with her, had left her there. After registration of the case, investigation proceedings were initiated. The victim was medically examined. Her statement under Section 164 of Cr.P.C. was recorded. Offences under Sections 342 and 366-A of IPC, 1860 were added. The petitioner had filed an application for grant of interim anticipatory bail. He joined the investigation and suffered disclosure statement admitting his involvement in the subject crime and demarcating the place of occurrence. His anticipatory bail application was dismissed on 25.10.2020. He was formally arrested on the same day. After completion of investigation, challan was presented against him in the Court and presently he is facing trial for the aforementioned offences. He had filed an application for grant of regular bail before the learned trial Court, which has been dismissed vide order dated 22.02.2022.

3. It is submitted in the petition and learned counsel for the petitioner vehemently argued that he has been falsely implicated in this case. He is in custody since October, 2020. The trial is likely to take time. Infact, there is some dispute between the families of petitioner and complainant and he has been falsely implicated in this case due to that reason. The antecedents of the family of the victim are not clean as previously also, she had involved one Sagir in a case of rape and ultimately the accused had been acquitted in that case. With these broad submissions, he has argued that the petition deserves to be allowed. Alongwith the petition, learned counsel for the petitioner has annexed a copy of judgment dated 22.02.2019 passed in

case bearing FIR No. 43, dated 18.03.2017 titled as '*State vs. Sabar Ali*' and another which shows that the same had been lodged on the basis of complaint filed by the complainant of this case himself and qua the prosecutrix of this case.

4. *Per contra*, learned State counsel has argued that there are serious and specific allegations against the petitioner. The human semen as detected on the lower/plazo of the victim has matched with the DNA profiling of blood of the petitioner. In her statement as recorded before the Court, the victim has fully supported the version of the prosecution. The trial is almost at its fag end and case is at the stage of defence evidence. Hence, he has argued that no case for extending benefit of bail to the petitioner has been made out.

5. I have heard learned counsel for the parties and have also gone through the material placed on record very carefully.

6. The petitioner is alleged to have forcibly taken the minor victim to the roof of his house and is further alleged to have committed the act of aggravated penetrative sexual assault upon her. There are serious allegations against the petitioner. The victim, in her statement recorded under Section 164 Cr.P.C. as well as in the Court, has supported the prosecution version as against the petitioner as well. There is nothing on record to show that there would be any undue delay in conclusion of trial. Keeping in view the gravity of offences alleged to have been committed by the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of

the case, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail. Hence, the petition stands dismissed.

[MANISHA BATRA]
JUDGE

10th January, 2024
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No