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

+ **BAIL APPLN. 4115/2024**

SHAHRUKH

.....Petitioner

Through: Mr. Imran Ali & Mr. Sharukh Khan,
Advs.

versus

THE STATE GOVT OF NCT DELHI

.....Respondent

Through: Mr. Aman Usman, APP for State.
SI Jyoti PS Tigri along with Victim

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **11.12.2024**

1. This petition has been filed seeking regular bail in FIR No.196/2022 dated 26th April 2022 registered at PS Tigri under Section 363 IPC. Subsequently, chargesheet was filed under Sections 376D/342/363/506/366/328/34 IPC and Section 6 POCSO.

2. Case of the prosecution is based on a complaint by the victim's father who had reported that his 13 year old daughter had gone out to work on 24th April 2024 but did not return. A case under Section 363 IPC was registered and investigation ensued. After substantial efforts, victim was recovered when she came to the police station on 2nd May 2024. She alleged that she had been sexually assaulted by some boys. She stated that she had taken an auto which had a couple of passengers who were dropped. Subsequently, 2 more passengers were taken up who took her to a *jhuggi* and committed rape on her. They detained her for 2-3 days and she was repeatedly raped by some more persons.



3. She further stated that subsequently, she managed to escape from that place and went to Saket Metro Station where she met some other girls who were planning to go to Haridwar but some police persons came and asked her for her identity. According to the victim, the police told her that mother and sister of petitioner were coming to take her. She stated that petitioner's mother came and took her back. In her testimony recorded before the Court, she has identified the petitioner and states that he was amongst the co-accused but he did not commit any '*wrong act*' on her.

4. Today she is present in Court along with her father and states that she has no objection to bail being granted to the petitioner. She further confirms that she is not stating this under any pressure or undue influence or coercion.

5. APP for the State however submits that considering the gravity of offences alleged, bail ought not be granted to the petitioner.

6. Counsel for petitioner, however, points out to the impugned order where it is noted that other five co-accused persons, namely Akash @ Kashiram, Mohd. Kaif, Iliyas, Chander Singh, and Akash @ Kabadi have already been granted bail *vide* orders dated 16th January 2024, 30th November 2023, 19th March 2024, 18th April 2024, and 07th October 2023 respectively.

7. Considering the above, as well as the Nominal Roll which notes that petitioner has been in custody for 2 years 7 months; has no previous involvements and his jail conduct has been satisfactory; and that the examination-in-chief of the material witness i.e. the prosecutrix stands recorded and no other material witness is left to be examined, this Court deems it fit to grant bail to petitioner.

8. Consequently, the petitioner is directed to be released on bail on



furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
- vi. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

9. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

10. Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance.

11. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.



12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 11, 2024/sm/sc