

Rajender vs.state

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SooperKanoon Citation : sooperkanoon.com/1220658

Court : Delhi

Decided On : Jan-16-2019

Appellant : Rajender

Respondent : State

Judgement :

\$~4 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + BAIL APPLN.
2623/2018 Judgment delivered on:

16. 01.2019 RAJENDER STATE versus

... Petitioner

..... Respondent Advocates who appeared in this case: For the

... Petitioner

: For the Respondent : Mr.Pramod Kumar and Mr.Shavaj Khan, Advs. Ms.Kusum Dhalla, Addl. PP for the State with SI Ramesh, P.S.Mundka. CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT1601.2019
SANJEEV SACHDEVA, J.

(ORAL) 1.

... Petitioner

seeks regular bail in FIR No.236/2017 under Sections 323/376/506 of the Indian Penal Code, 1860 registered at Police Station Mundka.

2. It is alleged that the prosecutrix has filed a complaint alleging that she was a resident in the house of the petitioner and for the last about three months he was pressing her to make physical relationship which she was declining. On the date of the incident it is alleged that he forcibly committed the offence of rape on her.

3. Learned counsel for the petitioner submits that the petitioner has BAIL APPLN. 2623/2018 Page 1 of 2 been falsely implicated and there is no material to substantiate that any offence was committed by the petitioner. Learned counsel further submits that there is material discrepancy in the statement as recorded in the FIR and the statement of the prosecutrix under Section 164 Cr.P.C and both the statements are not corroborated by the MLC.

4. Status report has been filed which indicates that the prosecutrix has expired on 10.08.2018.

5. Learned APP submits that evidence of the prosecutrix has not yet been recorded before the Trial Court.

6.

... Petitioner

has been in custody since 07.09.2017.

7. Without commenting on the merits of the case and keeping in view of the totality of the facts and circumstances, I am satisfied that the petitioner has made out a case for grant of regular bail.

8. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court.

... Petitioner

shall be released on bail, if not required in any other case.

... Petitioner

shall not do anything which may prejudice either the trial or the prosecution witnesses.

9. The petition is disposed of in the above terms.

10. Order Dasti under signatures of the Court Master. JANUARY16 2019/rk BAIL APPLN. 2623/2018 SANJEEV SACHDEVA, J Page 2 of 2

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