

(2015) 02 DEL CK 0412

In the Delhi High Court

Case No : Bail Application Nos. 2535, 2650 and 2653 of 2014

Sahab Singh and Others

APPELLANT

Vs

State (NCT of Delhi)

RESPONDENT

Date of Decision : 27-02-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438

Penal Code, 1860 (IPC) — Section 323, 34, 341, 354, 354A

Protection of Children from Sexual Offences Act, 2012 — Section 12, 8

Citation : (2015) 2 JCC 1140

Hon'ble Judges : Sunita Gupta, J

Bench : Single Bench

Advocate : Ritu Gauba, APP and Arjun Singh, SI, Advocates for the Respondent

Final Decision : Disposed off

Judgement

Sunita Gupta, J.

1. By this common order, I shall dispose of the above three bail applications filed by the petitioners - Sahab Singh, Amit and Danish @ Sumit respectively as all the bail applications are under Section 438 Cr.P.C. apprehending arrest in case FIR No. 1150/2014 under Sections 323/354A/506/509/34 IPC registered at police station Kajuri Khas, Delhi. The FIR in the instant case was registered on 27.10.2014 on the basis of a complaint made by one Roopa alleging therein that on 21.10.2014 at about 7 am she along with her daughter was going for purchasing at Pukki Khajuri. She met Amit and Danish with a bucket of milk in front of house of Amit. Both Amit and Danish started abusing her. Amit caught hold of hair of her daughter and Danish started beating her from behind. It is further alleged that Saheb Singh started cleaning his dairy while smiling and told Roopa that she may do anything but no one will harm them.

2. It is submitted by counsel for the petitioners that the complainant and her daughter are habitual complainants. Earlier also, they had made complaints of similar nature for some ulterior motives. The daughter of the complainant also

lodged an FIR of similar nature bearing FIR No. 528/2014 Police Station Kajuri Khas, Delhi under Sections 354/354A/341/506/34 IPC read with Section 8/12 POCSO Act. The police investigated the matter and submitted charge-sheet without arresting any of the accused. The complainant - Roopa also made a police complaint dated 30.11.2011 against Constable Manoj and others PS Khajoori Khas alleging kidnapping of her daughter, outraging her modesty and even attempt to commit rape on her. It is submitted that in FIR No. 528, the petitioner - Saheb Singh was not an accused. The complainant had threatened him to falsely implicate him in some case as such he also made a complaint dated 26.09.2014 to SHO police station Khajuri Khas and other senior police officers and Hon"ble Lt. Governor. It is submitted that the petitioners are permanent residents of Delhi having roots in the society as such they be released on bail.

3. The applications are opposed by learned Additional Public Prosecutor for the State by submitting that the allegations are specific in nature and, therefore, the petitioners do not deserve to be granted anticipatory bail. Keeping in view the totality of the facts and circumstances of the case, it is ordered that in the event of arrest:--

"(i) Petitioners be admitted to bail on their executing personal bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand only) with one surety each in the like amount to the satisfaction of the concerned I.O./SHO.

(ii) They shall join the investigation as and when called for by the I.O.

(iii) They shall furnish their addresses as well as his contact numbers to the Investigating Officer.

(iv) They shall not threaten or coerce complainant or any prosecution witness."

The applications are accordingly disposed of.

A copy of this order be given dasti under the signatures of the Court Master to counsel for the petitioners.