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Case No. 2611/16  
FIR No. 115/16  
PS- Pul Prahladpur  
U/s- 376/342/366/109/34 IPC, 6 POCSO Act  
State Vs Dalip Kumar and another

07.01.2017

Present: Sh. Sunil Dutt, Ld. Additional Public Prosecutor for the state is on leave today.

Sh. Pravin Rahul, substitute Addl. PP for the state.

Sh. Rajesh Kumar Singh, counsel for accused.

IO/W/SI Manju Bala is present.

File is taken up today on an application for grant of bail moved on behalf of the accused Maya.

Submissions heard. It is submitted by the counsel for accused that applicant is in JC since 29.04.2016 and supplementary charge sheet and FSL report (DNA finger printing report) has been filed by the IO. It is stated that co-accused Dalip has already been granted bail and that applicant has been falsely implicated in the case and has nothing to do with the alleged offence. It is stated that applicant is the sole bread earner of her family and there is no chance of her absconding from trial. It is stated that applicant undertakes to abide by any terms and conditions as may be imposed by the court.

On the other hand substitute APP has opposed the bail application submitting that prosecutrix has levelled allegations against the applicant and hence she may not be released on bail.

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Considering the FSL report in which it is concluded that the 'DNA fingerprinting (STR analysis) performed on source of exhibit '1a', '1b' & '2' it is sufficient to conclude that the source of exhibit '2' is not the biological father of the source or exhibit '1a' & '1b', I am of the view that applicant becomes entitled to be released on bail as the allegations against her are that she took the prosecutrix to a house where co-accused Dalip was present and prosecutrix was locked in a room by the applicant and prosecutrix was raped forcefully four times by co-accused Dalip who is not found biological father. Accordingly, application is allowed and applicant Maya is ordered to be released from custody on furnishing of bail bonds in the sum of Rs. 20,000/- along with one surety of like amount subject to the condition that she will not tamper with the evidence or overawe the witnesses.

List the matter on the date already fixed.

Copy of the order be also sent to Jail Superintendent, Tihar to be communicated to the accused. No observation made in this order shall affect the merits of the case.

( SUNIL CHAUDHARY )  
ASJ-01/ SOUTH EAST DISTRICT  
SAKET COURTS/NEW DELHI  
07.01.2017