

Ranjan Kumari @ Jyoti vs State Nct Of Delhi on 19 September, 2023

Author: Amit Sharma

Bench: Amit Sharma

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IN THE HIGH COURT OF DELHI AT NEW DELHI
BAIL APPLN. 2753/2023
RANJAN KUMARI @ JYOTI

STATE NCT OF DELHI

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

% 19.09.2023

1. This is the third application under Section 439 of the Cr.P.C. seeking interim bail in case FIR No. 551/2021, under Sections 363/323/344/366A/370/376/377/506/509/120B of the IPC and Sections 6/12/17 of the POCSO Act, registered at P.S. Kalkaji.

2. The case of the prosecution, as per the status report dated 23.08.2023 authored by Inspector Rakesh Kumar, SHO PS Kalkaji is that the present FIR was registered on 08.08.2021 at the instance of the victim's father who alleged that his daughter went missing on 08.08.2021 around 2:00 PM and he suspected that she had been kidnapped by someone. The victim was recovered from a house, where three persons including the applicant were found. During the course of investigation, the medical examination of the This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 19/09/2023 at 23:39:57 victim was conducted and she was found to be pregnant. In her statement recorded under Section 164 of the CrPC, the victim supported the case of the prosecution and stated that the applicant had kidnapped her from Nehru Place and forced her to marry her brother, i.e., co-accused Ranjan Kumar who sexually assaulted her. On the date of incident, the age of the victim was found to be 11 years and 08 months. Upon completion of investigation, the charge sheet in the present case was filed under Sections 363/323/344/366A/370/376/377/506/509/120B of the IPC and Sections

6/12/17 of the POCSO Act.

3. By way of the present application, the applicant seeks interim bail for a period of 60 days to complete necessary formalities in relation to the admission of her minor children at GBSS School No. 1, Ghonda, Delhi. It is submitted that the children are presently staying with their maternal grandmother, who is unable to take care of the required formalities. It is further submitted that the admission process is being delayed with each passing day and the education of her children is suffering. Learned counsel for the applicant submits that the documents in relation to the school admission have been verified by the Investigating Officer.

4. Per contra, learned APP for the State opposes the present application and submits that the allegations against the applicant are serious. It is submitted that the victim has supported the case of the prosecution in her statement recorded under Section 164 of the CrPC as well as in her testimony before the learned Trial Court. It is further submitted that the applicant's family are threatening the victim and her family and if released on bail, the applicant poses a threat to the victim.

5. Heard learned counsel for the parties and perused the record.

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6. The first application on behalf of the applicant seeking interim bail, i.e., BAIL APPLN. 855/2023 was disposed of by a coordinate bench of this Court vide order dated 16.03.2023 with the following directions:

"According to me, the above order is cryptic and non-speaking. No reasons have been assigned whatsoever for the rejection of the bail application.

In this view of the matter, the order dated 10.03.2023 passed by the learned ASJ-01 (POCSO), South East, Saket Courts, New Delhi is set aside and the bail application of the applicant shall be heard and considered afresh by the learned Additional Sessions Judge and a speaking order shall be passed within one week from today.

With these directions, the application is disposed of."

7. The second application filed on behalf of the applicant, i.e., BAIL APPLN. 967/2023 was disposed of by a coordinate bench of this Court vide order dated 05.04.2023 observing as under:

"This is an application seeking interim bail for 30 days w.e.f. 30.03.2023 in FIR No. 551/2021 registered at P.S.Kalkaji u/s 363/ 323/ 344/ 366A/ 370/ 376/377/ 506/ 509/ 120B IPC & 6,12,17 POCSO Act, on the ground for meeting and for treatment of the two minor children aged 10 years and 11 years of the applicant. Even though the

medical record has been verified, the allegations against the applicant are very serious. It is stated in the status report handed over in Court, that the prosecutrix was kidnapped by the applicant from the road by luring her with fancy clothes thereafter she was forcibly married to the brother of the applicant.

It is stated by Ms. Tuli, learned counsel for the applicant that on 27.05.2023 the other witness is to be recorded by the learned Trial Court. She states that after recording of the said witness she may be permitted to file interim bail application on medical grounds before the learned Sessions Court after 27.05.2023. With that liberty, the learned counsel for the applicant withdraws the present bail application. The same is dismissed with liberty as aforesaid. The status report is taken on record."

8. Thereafter, the applicant moved an application under Section 439 of the CrPC before the learned Trial Court seeking interim bail on similar This is a digitally signed order.

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"I have also interaction with the victim and her father. The father of victim has stated that after the arrest of accused persons they are mounting pressure upon them by visiting in their village to finish this case (Khatam karne ke liye dabav). Father of the victim has also stated that he is fed up with the pressure/threats given to him from the accused side. Hence he has requested not to grant bail to the accused and they have ruined the life of his daughter.

I have considered the rival submissions in her reply keeping in view the seriousness of the offence, IO has requested to allow the accused on custodian interim bail as there is all likelihood that accused is flee away from the trial.

This Court has asked Id. Counsel for the accused to allow accused to appear before the school authority by allowing custody parole but Id. Counsel for the accused has flatly refused and had requested to dispose of the present bail application by granting interim bail as prayed.

In the given facts and circumstances and the facts that accused has played active role in this case and the offence is serious in nature coupled with the fact that victim family constantly under pressure from the accused side to finish this case, this Court is not inclined to grant bail, hence bail application is dismissed."

(emphasis supplied)

9. Pursuant to notice issued vide order dated 21.08.2023, the victim had appeared in person alongwith her father on the last date of hearing, i.e., 01.09.2023 and expressed apprehension of threats from the applicant. Pursuant thereto, status report dated 15.09.2023 authored by Inspector Rakesh Kumar, SHO, PS Kalkaji has been filed, wherein it has been stated as under:

"In the continuation of previous status report, it is submitted that father of victim has given a written complaint in PS Kalkaji alleging therein that they have been pressurised by the accused's party for taking back the FIR/complaint and to settle the matter. It is also stated that the This is a digitally signed order.

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10. During the course of the hearing of the present application, learned counsel for the applicant was not inclined for the latter to be released on interim bail in custody for the purpose of completion of the required formalities in relation to school admission of her children.

11. In view of the aforesaid facts and circumstances, the present application is dismissed and disposed of accordingly.

12. Pending application, if any, also stand disposed of.

13. Needless to state, nothing stated hereinabove is an opinion on the merits of the case.

14. Order be sent to the concerned Jain Superintendent for necessary information and compliance.

15. Order be uploaded on the website of this Court, forthwith.

AMIT SHARMA, J SEPTEMBER 19, 2023/bsr This is a digitally signed order.

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