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

+ **BAIL APPLN. 1401/2019**

DHAN BHAKTA

..... Petitioner

Through: Mr. Gunjan Singh & Mr. Arun Kasi,
Advts.

versus

THE STATE

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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29.05.2019

Crl.M.A. 11941/2019

Allowed, subject to all just exceptions.

BAIL APPLN. 1401/2019

Status report filed. Heard. Perused. The petitioner was concededly reflected as a witness in the first charge-sheet presented upon conclusion of investigation into FIR no. 257/2017 of police station Ranjit Nagar. It appears that on the basis of statement under Section 164 Cr.P.C. of one of the rescued children, described in the trial court proceedings as “DB” (PW-4), aged about 14 years at the relevant point of time, supplementary charge-sheet was filed and the petitioner stood arraigned as additional accused, charges having been framed against him, in due course, for offence under Sections 370/34 IPC, though the case involves offences under Sections 323/344/354/370/374/343/34 IPC. It appears that in her statement under

Section 164 Cr.P.C., the girl DB had attributed some role to the petitioner (her brother) in she being brought by co-accused Ram Bilas Paswan from her native village and sold off in Delhi as bonded labour and employed as a maid in some household, she statedly having been ill-treated, abused, tortured and kept without her wages being paid. In her statement at the trial as PW-4, however, the said witness has disowned the statement under Section 164 Cr.P.C. attributing in such context certain intimidation by others including Ram Bilas Paswan. The learned additional public prosecutor fairly concedes that aside from the statement of DB, there is no evidence of any other witness including the children who were rescued, attributing any act of commission or omission on the part of the petitioner constituting the crimes which are subject matter of the trial.

In above facts and circumstances, though it may not to be construed as an expression of opinion on merits of the case against the petitioner, his prayer for release on bail is granted, subject to the following conditions:-

- (i). The petitioner shall furnish personal bond in the sum of Rs.10,000/- with one surety in like amount to the satisfaction of the trial court.
- (ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the trial court.
- (iii). He shall scrupulously appear at each and every stage of the proceedings before the trial court so as not to cause any obstruction or delay to its progress.
- (iv). He shall not engage in any criminal activity;

(v). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and

(vi). He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court.

The bail application and the application filed therewith are disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities and to the trial court.

Dasti under the signatures of Court Master.

R.K.GAUBA, J

MAY 29, 2019

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