
(2002) 10 DEL CK 0107

Delhi High Court

Case No: Criminal M. (M.) No. 3530 of 2001

State

APPELLANT

Vs

Sunil Puri and Others

RESPONDENT

Date of Decision: Oct. 11, 2002

Citation: (2002) 101 DLT 227 : (2003) 66 DRJ 254

Hon'ble Judges: Jiwan Dass Kapoor, J

Bench: Single Bench

Advocate: Sunil K. Kapoor, for the Appellant; None, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

J.D. Kapoor, J.

Vide order dated 7.10.2002, respondents were directed to present in person in view of seriousness of matter but today none is present.

2. This is a petition for cancellation of bail of the respondents. The allegations against the respondents are that they had committed gang-rape of a foreigner who was a Uzbekistani National known as Ms. Lola Tenchevo when she visited India as a tourist. She was given beating while being raped by the respondents. Her head was banged against the wall and her hairs were pulled up. The case was registered on the complaint of First Secretary/Counselor of Embassy of Uzbekistan after he conversed with the prosecutrix in Russian language and transcribed in English language to the I.O. The respondents first approached learned A.S.J. for bail. The application for bail was dismissed vide order dated 13.5.2000.

3. They moved another bail application during the vacation before Vacation Sessions Judge and procured the bail without mentioning the factum of earlier bail application having been dismissed. All those pleas which were raised by them in the earlier bail application and rejected were also raised before Vacation Sessions Judge and considering their pleas, the learned Vacation Sessions Judge granted the bail.

4. The description of the incident by the prosecutrix makes out a very grave and serious offence. It is also had that FIR was not lodged on the complaint of the prosecutrix but on the complaint of First Secretary/Counselor when the said officer was contacted. The very fact that the dismissal of their earlier bail application on 13.5.2000 was not brought to the notice of Vacation Sessions Judge as there was no reference of any order in the said orders shows the clandestine, unscrupulous and unethical ways the second bail was procured.

5. Absence of respondents today in spite of directions of this Court also manifest their conduct. The gravity of offence did not call for release of respondents on bail. The prosecutrix had come as a tourist in the country and was gang-raped by the respondents. Such incidents were not only slur but deter other tourists visiting this country. Therefore, culprits have to be dealt with heavy hands.

6. In the result, the petition is allowed. The bail orders dated 20.6.2000 and 21.6.2000 are set aside cancelling bail of the respondents.

7. The Commissioner of Police shall personally see that respondents are arrested and produced before the concerned Court and sent to judicial custody forthwith under intimation to this Court.

Copy of the order be sent to the Police Commissioner.

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