

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

Date of Decision: January 21, 2015

+ **BAIL APPLN. 134/2015**

RAJEEV @ RAJU Petitioner

Through: Mr. Salman Khan, Advocate

versus

STATE GOVT OF NCT OF DELHIRespondent

Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

(ORAL)

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Crl.M.A. 989/2015 (Exemption)

Allowed to subject to all just exceptions.

BAIL APPLN. 134/2015

In this application, petitioner seeks regular bail in FIR No.913/2014 for the offences under Section 370 of IPC and Section 23 of *the Juvenile Justice (Care and Protection of Children) Act, 2000* on the ground that petitioner is in custody since 29th August, 2014 and the investigation of this case is complete.

Learned counsel for petitioner submits that the allegations of petitioner indulging in human trafficking is negated by the statements of six minor children, who had come from native place of petitioner to Delhi for sight-seeing and so, Section 370 of IPC is not attracted.

Learned Additional Public Prosecutor for respondent-State strongly opposes this bail application by submitting that six minor children were recovered by NGO-Child Line Paryas from the house of petitioner and the consent of the recovered minor children is immaterial in view of the Explanation-II to Section 370 of IPC. It is pointed out that apart from the children, there is evidence of the Chairman, Child Welfare Committee from which the offence under Section 370 of IPC is clearly made out and this offence is a serious one as it entails punishment of not less than ten years. Lastly, it is pointed out that if petitioner is granted bail, then he will tamper with the evidence.

Upon hearing and on perusal of the FIR of this case and the material on record, I find that the offence purportedly committed by petitioner is indeed serious one. As per Explanation-II to Section 370 of IPC, consent of the recovered minor children is immaterial. The apprehension expressed by learned Additional Public Prosecutor for respondent-State of petitioner tampering with the evidence is not unfounded. The deposition of public material witness is yet to be recorded.

In the facts and circumstances of this case, this Court is not inclined to grant bail to petitioner at this stage.

This application is dismissed with liberty to petitioner to seek bail from trial court after the evidence of the material witness is recorded.

(SUNIL GAUR)
JUDGE

JANUARY 21, 2015

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