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

+ **BAIL APPLN. 396/2016**

VIJAY KUMAR YADAV

..... Petitioner

Through Mr. Raman Rai Handa, Advocate

versus

STATE

..... Respondent

Through Mr. Amit Gupta, APP.
W/ASI Toppo, Police Station Malviya
Nagar.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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01.04.2016

1. The petitioner seeks regular bail under Section 439 Cr.PC in case FIR No. 878/2015 under Sections 376D/313/344/506/34 IPC and Section 6 of POCSO Act. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. The petitioner is in custody since 04.05.2015. Upon completion of the investigation, charge-sheet has already been filed. Status report reveals that the prosecutrix worked as maid at C-37, Panchsheel Enclave, New Delhi and accused Ram Kumar was a driver at B-27, Panchsheel Enclave, New Delhi in the same locality. On Lohari festival, Ram Kumar allegedly proposed the complainant for marriage. Physical relations took place between the two thereafter.

It is further informed that Ram Kumar put 'sindoor' in the complainant's maang and they started living together as husband and wife. Complainant further disclosed that when Ram Kumar used to go for his duty, the petitioner Vijay Kumar Yadav, his friend used to commit rape on his behest. It is not clear as to when for the first time the prosecutrix was sexually assaulted by the petitioner. Delay in lodging the FIR has not been explained.

4. Considering the facts and circumstances of the case, the petitioner is admitted to bail on his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the Trial Court.

5. The application stands disposed of.

S.P.GARG, J

APRIL 01, 2016

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