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

+ BAIL APPLN. 143/2016

ASLAM @ SUMSAID HUSSAIN

..... Petitioner

Through: Mr.S.C.Jain, Advocate

versus

STATE OF DELHI

..... Respondent

Through: Ms.Neelam Sharma, APP for the State
alongwith SI Shiv Charan from Police
Station Anand Parbat.

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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28.01.2016

This is an application under Section 439 Cr.P.C moved by the petitioner for grant of bail/interim bail in case FIR No.357/2015 under Sections 377/506 IPC and Section 4 of POCSO Act registered at Police Station Anand Parbat.

As per the status report, the FIR in the instant case was registered on the complaint of a boy namely Mansa Ram aged 13 years alleging that on the night of 20.05.2015, the petitioner had sodomised him and also threatened him to face dire consequences if he disclose his act to anyone. Keeping in view the seriousness of the allegations, at this stage, there is no ground for grant of regular bail.

Learned counsel for the petitioner, however, submits that the petitioner was granted interim bail for 15 days for surgery of his wife as she is suffering from Myamo, a sort of cancer in vagina. He surrendered in time and did not misuse the concession of bail. He was again granted interim bail w.e.f 17.12.2015 to 15.01.2016. However, due to complication and bleeding in vagina revised surgery is advised in last week of January, 2016. Revised/corrective surgery is to be carried on 30.01.2016. As such, he be granted interim bail.

Factum of surgery of wife of petitioner on 30.01.2016 stands verified by the Investigating Officer. It is not disputed that earlier also, the petitioner was

granted interim bail and he had surrendered in time. Under the circumstances, the petitioner is admitted to interim bail for a period of two weeks effective from the date of his release on the same terms and conditions on which he was released by the learned Additional Sessions Judge vide order dated 22.09.2015 and 05.12.2015. The petitioner is directed to surrender after the expiry of period of two weeks. However, it is clarified that in case for any reason the surgery does not take place then the petitioner is directed to surrender before the Superintendent Jail immediately.

The applications disposed of accordingly.

Order dasti under the signatures of court master.

SUNITA GUPTA, J

JANUARY 28, 2016

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