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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 75/2016
RINKU

Through Mr Prakash Gautam and Mr Sandeep Kumar, Petitioner
Adv.
versus
STATE

Through Mr Akshay Malik, Additional Public Prosecutor
..... Respondent
for the State alongwith Sub Inspector Arun Kumar
Police Station Fatehpur Beri, Delhi
Complainant in person alongwith her daughter

CORAM:
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 22.03.2016

This is application under Section 439 of Cr.PC moved by the petitioner for grant of regular bail in case FIR No. 202/2015 under Sections 363/366 IPC and Section 6 of POCSO Act registered at Police Station Fatehpur Beri, Delhi.

Learned counsel for the petitioner refers to the statement of prosecutrix recorded under Section 164 Cr.PC wherein she stated that she had gone with the accused out of her own will. Counsel further submits that the date of birth of prosecutrix as per PAN card is 01.01.1996 and, therefore, she was more than 18 years of age at the relevant time.

The prosecutrix is present in person alongwith her mother and reiterates that she had gone with the petitioner out of her own will and she was not induced by the petitioner to accompany him.

Learned Additional Public Prosecutor for the State, however, submits that as per school leaving certificate, prosecutrix at the relevant time was aged 16 years and 8 months and for the purpose of POCSO Act, school leaving certificate is relevant.

The exact age of prosecutrix will have to be ascertained during the course of trial. Keeping in view the fact that as per the version of prosecutrix that she has gone with the accused out of her will coupled with the fact that the petitioner is in custody since 18.05.2015, he is directed to be released on bail:

(i) On his furnishing a personal bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the Trial Court concerned.

(ii) He shall provide his address and contact number to the concerned Trial Court.

The application stands disposed of accordingly.

A copy of this order be given *dasti* to counsel for the petitioner.

SUNITA GUPTA, J

MARCH 22, 2016/rd