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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 382/2016
DEEPAK

Through Mr. Rakesh Walia and Mr. Charanjeet
Bhalla, Advocates

..... Petitioner

versus

STATE (NCT OF DELHI)

Through Mr Akshai Malik, Additional Public
Prosecutor for the State alongwith WSI
Khiloni, PS Janakpuri, Delhi

..... Respondent

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 25.04.2016

1. This is an application under Section 439 Cr.PC moved by the petitioner for grant of regular bail in case FIR No. 954/2015 under Section 376/328/342/363/376 IPC & Section 4 & 6 of POCSO Act registered at Police Station Janak Puri.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. There are no specific allegations against him. The allegations at the most are against co-accused Rohit. The petitioner is in custody since 6th August, 2015, as such, he be released on bail.

3. Per contra, learned APP opposes the application on the ground that the prosecutrix was only 13 years of age when the heinous crime of commission of rape was committed upon her. The petitioner was the facilitator in commission of crime as he played an active role in the

commission of rape as he facilitated the accused Rohit in all respects, i.e., procurement of the car, room and after commission of the rape, dropped the victim and also threatened her of dire consequences.

4. Learned APP further submits that the prosecutrix is a minor girl and she is still to be examined, therefore, at this stage, there is no ground to release the petitioner on bail.

5. As per the case of the prosecution, the prosecutrix (N) aged about 13 years came to police station along with her father and reported that she became friend of one Rohit through Face Book. On 1st August, 2015, while she was standing outside her school, Rohit along with his associate came in a car and showed an acid bottle to her and gave a signal to come otherwise he will throw the acid on her. On this apprehension, she came to them and they forced her to sit on the rear seat of the car. She was taken to Khayala in a closed factory. Deepak opened first floor of the factory and bolted the room. Thereafter accused Rohit forcibly administered a tablet and she became unconscious. When she restored her senses she found herself undressed and also felt vaginal pain. After some time, accused Deepak came over there and opened the door and took her to school on his bike and threatened her not to disclose this incident to anyone otherwise she will lose her life.

6. As per the case of prosecution, the car belonged to the petitioner in which the minor was taken to a room where the petitioner left them inside the room after locking the same from outside. Thereafter Rohit committed rape upon her. Then the petitioner left the prosecutrix on his bike to the school. The petitioner was duly identified by the prosecutrix during his test identification proceedings. The prosecutrix has not so far been examined.

Under the circumstances, at this stage, I do not deem it fit to release the accused on bail.

7. Accordingly, the bail application is dismissed.

APRIL 25, 2016/rs

SUNITA GUPTA, J