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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 381/2016**

MANOJ KUMAR

..... Petitioner

Through: Mr.Tushar Sinha and Mr.Pankaj
Srivastava, Advocates.

versus

STATE OF NCT (DELHI)

..... Respondent

Through: Ms.Rajni Gupta, APP for the State
with SI Kamlesh, PS Ambedkar
Nagar.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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22.02.2016

Crl.M.A. No.3085/2016

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 381/2016

1. By filing the present application under Section 439 Cr.P.C., the petitioner is seeking regular bail in case FIR No.887/2014 under Section 377 IPC and under Section 6 of Protection of Children from Sexual Offence Act registered at PS Ambedkar Nagar, Delhi.
2. I have heard learned counsel for the petitioner as well as learned APP for the State and carefully gone through the record.
3. As per the FIR, the petitioner has allegedly sodomised 12 years old child by taking him on the pretext of giving him toffee. The MLC No.17684/2014 of the child victim records the opinion given by the Doctor as under:-

'After examining the above person, I am of the considered opinion that there is recent signs of insertion of penis or penis like object into the anal canal are present.'

4. The petitioner has been allegedly apprehended at the pointing out the child victim and her mother.

5. In the case *Prasanta Kumar Sarkar v. Ashish Chatterjee & Anr. (2010) 14 SCC 496*, the Supreme Court has observed that while considering application for bail, it is incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. Among other circumstances the factors which are to be borne in mind while considering an application for bail are whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; nature and gravity of the accusation; severity of the punishment in the event of conviction; danger of the accused absconding or fleeing, if released on bail : character, behaviour, means, position and standing of the accused; likelihood of the offence being repeated; reasonable apprehension of the witnesses being influenced; and danger, of course, of justice being thwarted by grant of bail.

6. In view of the nature and gravity of the offence wherein a twelve years old child has been sodomised, I do not find it to be a fit case to enlarge the petitioner on bail. Prayer rejected.

7. Application is dismissed.

8. The observations made above are only for the purpose of deciding the bail application and shall not be considered as an expression on merits.

PRATIBHA RANI, J.

FEBRUARY 22, 2016/ 'st'