

\$~16

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

+ **BAIL APPLN. 671/2016**

WAQAR AHMED

..... Petitioner

Represented by: **Mr.L.K.Passi, Advocate**

versus

THE GNCT OF DELHI

..... Respondent

Represented by: **Ms.Nutan Sharma, APP for
State with SI Praveen Kumar,
PS Mandawali**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

12.07.2016

%

By this petition, the petitioner seeks regular bail in case FIR No.881/2015 under Section 376/34 IPC and Sections 4/16 POCSO Act registered at Police Sation Mandawali.

Learned counsel for the petitioner urges that on the date of incident the prosecutrix got recorded her statement wherein no allegation of sexual assault has been alleged against the petitioner. The prosecutrix even failed to get herself medically examined properly. However, as an afterthought, she levelled allegations against the petitioner and also got her medical examination done.

Learned APP for the State has taken me through the police file and states that though there was no external injury, however, the hymen was

BAIL APPLN. 671/2016

Page 1 of 2

found torn in her medical examination conducted after four days. In her statement under Section 164 Cr.P.C. before the learned Metropolitan Magistrate, the prosecutrix has narrated the complete incident.

I have gone through the statement of prosecutrix recorded before the learned Metropolitan Magistrate. The trial is at the stage of order on charge. In case, the charge is framed, the prosecutrix is yet to be examined before the learned Trial Court. At this stage, I am not inclined to grant regular bail to the petitioner.

Petition is dismissed.

MUKTA GUPTA, J.

JULY 12, 2016

‘sv’