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

+ **BAIL APPLN. 1207/2016**

SUNIL KUMAR @ GOLU

..... Petitioner

Represented by: Mr. Deepankar Mohan, Adv.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: Mr. Ravi Nayak, APP with SI
Vikram Singh PS Punjabi
Bagh.

**CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER
08.12.2016**

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By the present petition the petitioner seeks bail in case FIR No. 1208/2014 under Sections 363/366/376 IPC and Section 4 of the Protection of Children from Sexual Offences Act (in short the POCSO Act) registered at PS Punjabi Bagh.

The above-noted FIR was registered on the complaint of mother of the prosecutrix who stated that his daughter who was aged 16 years 6 months was missing from the house. On enquiry it was found that the petitioner had taken again her daughter somewhere under his influence. Later on prosecutrix was recovered from Village Budhana, District

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Muzzaffar Nagar, U.P.. Statement of prosecutrix was recorded under Section 164 Cr.P.C. wherein she stated that she had married the petitioner on 29th December, 2014 and thereafter they went to the house of the petitioner's sister and lived as husband wife. The statement of the prosecutrix has been recorded before the Court wherein she reiterated that she went of her own free will with the petitioner and got married with her.

Learned APP for the State opposing the bail application submits that the prosecutrix was minor at the time of alleged incident and thus her consent if any was immaterial.

Considering the fact that the petitioner has been in custody since 19th February, 2015 and the prosecutrix has been examined and the trial is likely to take some time, this Court finds it fit to grant bail to the petitioner. It is therefore directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the learned Trial Court further subject to the condition that he will not leave the country without the prior permission of the Court concerned.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 08, 2016
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