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

+ **BAIL APPLN. 1359/2016**

MASTER PRAJIWAL

..... Petitioner

Represented by: Mr. A.K. Mishra, Advocate
with mother of the petitioner in
person.

versus

STATE OF NCT OF DELHI

..... Respondent

Represented by: Mr. Kewal Singh Ahuja, APP
for the State with SI Urmila, PS
Bhajan Pura.
Mr. Satya Prakash Gautam and
Ms. Sarita Gautam, Advocates
for the complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
16.08.2016

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1. By this petition, the petitioner seeks anticipatory bail in case FIR No.282/2016 under Sections 376/365/506/34 IPC and Sections 6/8 of the Protection of Children from Sexual Offences Act (in short 'POCSO Act').
2. Learned counsel for the petitioner contends that the petitioner was a juvenile at the time of the alleged incident and the allegations against the petitioner are only that he permitted his motorcycle to be used by the main accused Jhabbar. The petitioner has been falsely roped in the entire incident and has no role to play in the commission of the alleged offence.
3. Learned APP for the State based on Status report and on instructions submits that the date of birth certificate of the petitioner has been verified.

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As per the certificate and the documents provided, the petitioner was born on 6th October, 1998. Thus he was a juvenile at the time of alleged offence.

4. As per the FIR the allegations levelled by the prosecutrix are that she was a student of 11th standard. On 31st March, 2016 her 10th class result was to be declared thus she went to the school. Since the Board exams were in progress she was standing at the gate of the school when one boy named Jhabbar whom she knew earlier, came at the school gate on a scooty with two other boys at around 9.30 AM. Jhabbar got down from the scooty and the two boys went away. One of the boys was the petitioner herein. After sometime the petitioner came with a Karizma motorcycle, Yellow colour at the school gate which was taken from him by Jhabbar. Jhabbar made the prosecutrix forcibly sit on the motorcycle and took her to Usmanpur, 5th Pushta. Thereafter Jhabbar made a phone call and called a white colour I-20 car which was driven by one boy named Sannu. Jhabbar made her sit forcibly in that car and took her to Noida from Gandhi Nagar. On the way Sannu bought beer which Jhabbar made her forcibly drink in the car. Thereafter Jhabbar took her to a room, bolted it from inside and committed sexual intercourse with her. Jhabbar threatened her that in case she told the facts to her family members, her videos were with him and he would defame her. He further threatened that his father was a rich person and nothing would happen to him. Jhabbar threatened her further and thereafter Jhabbar and Sannu made her sit in a car. Later they made her sit in a rickshaw at Usmanpur from where she came to Bhajan Pura Police Station.

5. Thus the role attributed to the petitioner is that he brought the motorcycle which was used in the commission of the offence by Jhabbar.

The petitioner has already joined the investigation. The co-accused Sumit Dedkha @ Sannu has already been granted anticipatory bail though cancellation thereof has been filed as he is not cooperating with the investigation.

6. Considering the allegations made against the petitioner, the fact that he has joined the investigation and that the petitioner was a juvenile at the time of alleged incident, I deem it fit to grant anticipatory bail to the petitioner. On verification I find that the petitioner's father has passed away, however, his mother is there to take his care. Consequently, it is directed that in the event of arrest, the petitioner be released on bail on his mother furnishing a surety bond in the sum of ₹25,000/- subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that he will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the Court/Board concerned.

7. Petition is disposed of.

8. Order dasti.

MUKTA GUPTA, J.

AUGUST 16, 2016

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