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

+ **BAIL APPLN. 1485/2016**

RAMESH RAM

..... Petitioner

Represented by: Mr. Harsh Prabhakar, Mr.
Anirudh Tanwar, Advs.

versus

STATE

..... Respondent

Represented by: Mr. Ravi Nayak, APP with SI
Ram Bhau PS Khyala.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

07.11.2016

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By this petition the petitioner seeks bail in case FIR No.143/2015 under Sections 376/354A IPC and Section 6 of the Protection of the Children from Sexual Offences Act (POCSO Act).

Learned counsel for the petitioner submits that during the course of trial alternative charge under Section 10 and 12 of the POCSO was also framed against the petitioner, however now the prosecutrix and her mother have been examined who have not supported the case of the prosecution.

Learned APP for State has taken me through the status report which also encloses the statements of the prosecutrix who is a minor and her mother.

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The above-noted FIR was registered on the complaint of the mother of the prosecutrix who alleged that she had seen the petitioner insert a finger in the vagina of her minor daughter. This fact was also stated by the prosecutrix in her statement under Section 164 Cr.P.C. Both the prosecutrix and her mother have been examined in Court, however they have failed to identify the petitioner as the person who used to sit on the shop and sexually assaulted the minor girl.

Without commenting on the merit of the allegations, considering that the testimony of the material witnesses i.e. the prosecutrix and her mother have been recorded and the petitioner has already been in custody for more than one and a half years, I find it to be a fit case for grant of 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 ₹20,000/- with one surety of the like amount subject to the satisfaction of the Trial Court further subject to the condition that he will not leave the NCR without the prior permission of the Court concerned.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 07, 2016
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