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

+ **BAIL APPLN. 1777/2016**

MANOJ VERMA

..... Petitioner

Represented by: Mr. Navin Kumar Jha, Adv.

versus

STATE

..... Respondent

Represented by: Mr. Ravi Nayak, APP.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

21.11.2016

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By this petition the petitioner seeks anticipatory bail in case FIR No.81/2016 under Sections 363/506/376 IPC and Section 6 of the Protection of Children from Sexual Offences Act (in short POCSO) registered at PS Palam Village.

The complaint was lodged by the sister of the prosecutrix on 13th February, 2016 who stated that her sister aged 17 years was also residing with her and had gone out on 30th November, 2015 but had not returned back. Despite her search in the vicinity by the family members she could not be traced and she suspected that the petitioner had lured and taken her sister away. Later the prosecutrix was recovered on 12th May, 2016 and medically examined. In her statement under Section 164 Cr.P.C. she stated

BAIL APPLN. 1777/2016

page 1 of 2

that she had been lured by the petitioner, kept locked in a room and sexually exploited her by forcibly raping her.

Even though from investigation it emerges that earlier an FIR No.534/2015 had been registered for the missing of this girl by some unknown person, however on return she did not allege anything and a cancellation report was filed but in the above-noted FIR the prosecutrix has levelled specific allegations against the petitioner. As per the report the date of birth of the prosecutrix was 2nd January, 1999. Thus she was less than 18 years of age on the date of the incident. Her consent being immaterial, this Court finds no reason to grant anticipatory bail to the petitioner.

Petition is dismissed.

MUKTA GUPTA, J.

NOVEMBER 21, 2016
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