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

+ **BAIL APPLN. 1784/2016**

NITISH KUMAR

..... Petitioner

Through: Mr. Suman Kumar Choudhary,
Advocate

versus

STATE

..... Respondent

Through: Ms. Rajni Gupta, APPwith SI:Amit
Bhardwaj, PS:Timar Pur, Delhi

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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17.10.2016

By the present petition, the petitioner seeks regular bail in FIR No.317/2016 under Section 376 IPC and Sections 6/10 of The Protection of Children from Sexual Offences Act (in short POCSO Act), 2012 registered at PS:Timar Pur, Delhi.

Learned counsel for the petitioner contends that the petitioner has been in custody since 14th July, 2016 and is no more required for investigation. The petitioner is the first cousin of the complainant, however, he has been implicated because of inimical relationship between the parties due to financial disputes. Further, in the proceedings in the FIR, it is noted that the case appears to be of eve-teasing and Section 376 IPC has been invoked contrary to the observations made by the Investigating Officer.

A Status Report dated 6th October, 2016 has been filed. The allegation of the complainant is that she left the victim, her 4½ years old girl, at the

house of her sister. However, the petitioner, who is the son of her sister, misbehaved with the victim and when she came back, the victim informed her that the petitioner gave his sexual organ in her mouth and hand. On the basis of this statement, the FIR was registered and the prosecutrix was examined by the learned MM under Section 164 Cr. PC, wherein she reiterated her allegations, on the basis of which the FIR was registered. Even though the Investigating Officer notes in the proceedings after noting the complaint, that the matter appears to be of teasing a child, but he rightly invoked Sections 6/10 of POCSO Act and Section 376 IPC.

A chargesheet has been filed and charge for offences noted above has been framed against the petitioner. The prosecutrix and the material witnesses are yet to be examined.

At this stage, I find no reason to grant bail to the petitioner. The bail application is disposed of.

MUKTA GUPTA, J

OCTOBER 17, 2016

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