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

+ **CRL.REV.P. 614/2016**

T (REPRESENTED BY: HIS FATHER/PAROKAR)..... Petitioner
Represented by: Mr. Paritosh, Advocate.

versus

STATE OF NCT OF DELHI Respondent
Represented by: Ms. Rajni Gupta, APP for the
State with Mr. Sachin Sharma,
ACP/Gokalpuri.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **28.11.2016**

1. By the present petition, the petitioner seeks bail in case FIR No.282/2016 under Sections 376/365/506/34 IPC and Sections 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act') registered at PS Bhajan Pura, Delhi.

2. The petitioner applied for anticipatory bail before the learned Sessions Court where he was granted interim protection. In the meantime, statement of the prosecutrix was recorded on 7th April, 2016 under Section 164 Cr.P.C. and thereafter vide order dated 19th April, 2016 his anticipatory bail was dismissed. The petitioner surrendered before the Juvenile Justice Board and was sent to Observation Home. The age of the petitioner was ascertained to be 17 years. The Juvenile Justice Board on 17th August, 2016 transferred the matter to the Children Court after passing an order on preliminary

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assessment under Section 15 of the Juvenile Justice (Care & Protection of Children) Act, 2015 (in short 'JJ Act') returning a finding that the petitioner needs to be tried as an adult. The application of the petitioner seeking regular bail was dismissed by the learned Sessions Judge vide the impugned order dated 24th August, 2016. Hence the present petition.

3. The above noted FIR was registered on the allegations of the prosecutrix who stated that she had been kidnapped by the petitioner with the help of his two friends. Thereafter she was given something to drink whereafter she felt dizzy and forcefully taken to a flat at Noida where she was raped by the petitioner, who thereafter left her at 5th Pushta, Gamri. After she reached her home, she informed her parents. As per the MLC of the prosecutrix the hymen was torn with the vaginal tear present. In her statements before the doctor and under Section 164 Cr.P.C. the prosecutrix reiterated her allegations.

4. Indubitably, Section 12 of the JJ Act mandates grant of bail to a juvenile provided that the juvenile be not released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice.

5. Two social background reports of the petitioner have been prepared, out of which as per one the petitioner is aggressive in nature and has no cordial relations with his family members particularly his parents. Further as per the psychological evaluation report it was found out that the petitioner was aware of the consequences of committing the offence and thus he

intoxicated the prosecutrix and committed the offence. Further the inconsistent information being given by the petitioner shows his manipulative behaviour. The petitioner appears to be under the influence of peer group.

6. Considering the serious nature of offence and the fact that release of the petitioner is likely to expose him to the moral, physical or psychological danger and the prosecutrix who was also a minor is yet to be examined, this Court finds no reason to grant bail to the petitioner at this stage.

7. Petition is dismissed.

MUKTA GUPTA, J.

NOVEMBER 28, 2016

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