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

+ **BAIL APPLN. 2113/2016**

RAJAT SHARMA

..... Petitioner

Through: Mr.Manoj Sharma, Adv. with
Mr.Saurabh Sharma and Ms.Kavita
Ranga, Adv.

versus

NCT OF DELHI & ORS.

..... Respondents

Through: Ms.Kusum Dhalla, APP for State with
Sub Inspector Khushboo, Police
Station-Vijay Vihar

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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25.10.2016

CRL.M.A. 16045/2016

Exemption granted, subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 2113/2016

This is an application under Section 439 Cr.P.C. read with Section 482 Cr.P.C filed on behalf of the petitioner seeking grant of regular bail in case FIR No.640/2016, under Sections 354A/506 IPC read with Section 8 of POCSO Act, registered at Police Station-Vijay Vihar, Delhi.

Counsel for the petitioner has submitted that the petitioner is an innocent person and the allegations alleged in FIR No.640/2016, under Sections 354A/506 IPC read with Section 8 of POCSO Act, registered at

Police Station-Vijay Vihar, Delhi is false. Counsel for the petitioner has further submitted that there is no allegation of alleged incident on a particular date on the basis of which the FIR was registered. He has further submitted that the petitioner was residing alongwith the family of the prosecutrix in the said house and after completing his education, he left the house in June, 2016. He has further submitted that subsequently due to the property dispute between the families, to put pressure, the complainant and his family have registered false FIR, consequently, the petitioner is being arrested and he is in judicial custody since 17th August, 2016. Counsel for the petitioner further submitted that the statement under Section 164 Cr.P.C itself makes clear that the petitioner/accused left in June and there is a delay in filing the FIR and prays that the petitioner be released on bail.

Learned APP has vehemently opposed the present bail application and submitted that the present petitioner has committed a heinous offence and the prosecutrix is a minor child of 11 years and the petitioner is facing trial under Sections 354A/506 IPC read with Section 8 of POCSO Act.

It is an admitted fact that the petitioner was residing at the house of the complainant for study purpose and the petitioner is about 20 years who was carrying on his study in the said house. The presence of the petitioner in the said house was because of the permission given by the complaint's family on account of their close relationship. It is again an admitted fact emerging on the record that he left the said house in June, 2016. The present FIR was registered on 12th August, 2016 and the petitioner was arrested on 16th August, 2016 and the petitioner is sent to judicial custody since 17th August, 2016. There is an unexplained delay of 2 ½ months. The petitioner is stated to be a young boy and is a student. No purpose would be served if

he is kept in judicial custody.

In these circumstances, the petitioner is granted bail on his furnishing a bail bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the Court below with the condition that he should not visit the house of the victim and shall not try to contact the victim or her family members in any manner whatsoever and he should not leave India without prior permission of the Court below.

The present bail application is disposed of.

I.S.MEHTA, J

OCTOBER 25, 2016/radhika