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

+ **BAIL APPLN. 2376/2016**

ASHA DEVI

..... Petitioner

Represented by: Mr. Lokesh Kumar Mishra, Mr.
Sameer Kumar Ojha, Advs.

versus

STATE GOVT OF NCT DELHI

..... Respondent

Represented by: Mr. Amit Ahlawat, APP with
DCP Ombir Singh Bishnoi,
ACP Gaurav Gupta,
Kalyanpuri, SHO C.R. Meena,
SI Pinki Rana, PS New Ashok
Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

16.12.2016

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By the present petition the petitioner seeks anticipatory bail in case FIR No. 5/2016 under Sections 363/376/109/34 IPC & Section 6 of the Protection of Children from Sexual Offences Act (in short POCSO) registered at PS New Ashok Nagar.

The FIR was initially registered under Section 363 IPC wherein the complainant alleged that his daughter aged 14 years had been kidnapped by one Milan. On 18th April, 2016 the complainant came to the Police Station along with his daughter who was medically examined. In the MLC the

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victim stated that she went away with a guy named Milan on 5th January, 2016 without informing anyone and was found by the Police near Hawda on 16th April, 2016. She gave history of physical and sexual abuse by Milan. However she was not in a position to reveal all the facts. The statement of the prosecutrix was sought to be recorded under Section 164 Cr.P.C. however the same was not recorded and the Ld. MM observed that the prosecutrix was in need of proper counselling. Thereafter the prosecutrix was counselled where she stated that Milan and his friend Vinay used to sexually abuse her. On 21st April, 2016 when the statement of the prosecutrix was recorded under Section 164 Cr.P.C. she took the name of Virender alleging that he along with Milan raped her. According to the prosecutrix she was taken to Pilibhit on a bike by the Virender and Milan and thereafter to Kolkata in a train where she was kept.

The only role assigned to the petitioner is that she being the mother of Vinay called her from her house on 1st January, 2016 where after the main accused and co-accused took her away. The petitioner has already joined the investigation. The main accused Milan is yet to be arrested and proceedings have been initiated against him under Section 82/83 Cr.P.C.

Considering the facts and circumstances of the case, I deem it fit to grant anticipatory bail to the petitioner. It is therefore directed that in the event of arrest the petitioner be released on bail on her furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the Arresting Officer/ SHO concerned, further subject to the condition that she will join the investigation as and when directed and will not leave the country without the prior permission of the Court

concerned.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 16, 2016
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