

\$~3

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 2283/2015

RITESH KUMAR MURTI

..... Petitioner

Through

Mr G.S. Sharma and Mr R.A. Sharma,
Advs.

versus

STATE

..... Respondent

Through

Ms Neelam Sharma, Additional Public
Prosecutor for the State alongwith Sub
Inspector Uma Datt Police Station Mangol
Puri, Delhi

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

%

17.02.2016

Crl. MA 15677/2015 (exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 2283/2015

Vide this application under Section 439 of Cr.PC, the petitioner seeks grant of regular bail in case FIR No. 2141/2014 under Section 376 IPC and under Section 6 of POCSO Act registered at Police Station Mangolpuri, Delhi.

The FIR in the instant case was registered on the basis of complaint made by Smt Vimlesh on the allegations that the petitioner is residing on the 4th floor of the house as a tenant in which she is also residing alongwith her children. On 15.11.2014 at about 4 pm her daughter aged about 5 years who was playing on the fourth floor, came down weeping. On being asked reason thereof she told that Ritesh uncle (the petitioner) put her in his lap after removing her underwear and his clothes and put his finger in her private part due to which she felt pain so she started weeping then uncle let her go

It is submitted by learned counsel for the petitioner that the material witnesses have already been examined. The MLC of the victim does not support the case of prosecution. Moreover, the dispute between the petitioner and the complainant is regarding cleaning of toilet and a quarrel had also taken place in which the complainant and her family members assaulted the petitioner. This fact can be verified from the

CCTV footage installed in the gali as such the petitioner be released on bail.

Ms Neelam Sharma, learned Additional Public Prosecutor for the State vehemently opposes the application on the ground that the victim is of tender age of five years and she has fully supported the case of prosecution. The petitioner is not a permanent resident of Delhi and there is strong apprehension of his fleeing away from justice in case he is released on bail. Moreover, the trial is likely to be concluded shortly and the petitioner is likely to be convicted.

Needless to say, the allegations against the petitioner are grave and very serious in nature. The prosecutrix and her mother have already been examined and they supported the prosecution case. It is informed that out of 10 witnesses, 7 witnesses have already been examined. At this stage, no opinion is warranted regarding the MLC of the victim.

As regards the submission that the dispute was with respect to cleaning of toilet and a quarrel had taken place between the petitioner and the complainant which can be verified from the CCTV footage, same, at best, is the defence of the petitioner which he is required to substantiate during the course of trial. That being so, at this stage, there is no ground to release him on bail.

The application is, accordingly, dismissed.

SUNITA GUPTA, J

FEBRUARY 17, 2016