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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2519/2015**
RAJ KUMAR SHARMA

..... Petitioner

Through Mr Sandeep Sehgal, Adv.
versus

STATE

..... Respondent

Through Mr Hirein Sharma, Additional Public
Prosecutor for the State alongwith Sub
Inspector Madhu Sharma Police Station
Govind Puri, New

CORAM:
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER
% **02.02.2016**

This is application under Section 439 of Cr.PC moved by the petitioner for grant of regular bail in case FIR No. 293/2015 under Section 363 IPC and Section 6 of POCSO Act, 2012 registered at Police Station Govind Puri, New Delhi.

It is submitted by counsel for the petitioner that the petitioner was residing in the house of prosecutrix as tenant. They became friends and started loving each other. Thereafter, they developed physical relations. It was jointly decided by them to run from the house since the parents of prosecutrix were against their relationship as such they got married at Kalkaji Temple on 03.03.2015. The mother of the prosecutrix lodged the instant FIR on 05.03.2015 under Section 363 IPC. After recovery of prosecutrix, her statement under Section 161 Cr.PC was recorded. She was produced before the Metropolitan Magistrate who recorded her statement under Section 164 Cr.PC wherein she stated that she had gone with the petitioner of her own from her house and does not want the petitioner, who is now her husband, to be in jail. When the prosecutrix was produced before the doctor at that time she informed the doctor that she married voluntarily with the petitioner on 03.03.2015 and had sexual relations with him of her own free will. As per the report submitted by CWC where prosecutrix was produced on 10.03.2015, she was pregnant by two months. Counsel further submits that the charge-

sheet has already been submitted and the statement of prosecutrix has been recorded wherein she stated that she was more than 18 years of age at that time. It is submitted that the petitioner is no longer required for the purpose of investigation and is now in custody for more than ten months as such he be released on bail.

Mr Hirein Sharma, Additional Public Prosecutor for the State did not deny these facts, however, it is submitted that prosecutrix was less than 18 years of age at the time of the incident and in support thereof a certificate from Aruna Asaf Ali Govt. Sarvodaya Kanya Vidyalaya has been filed for showing that the date of birth of prosecutrix as per school record is 14.07.1998.

Without expressing any opinion on the merit of the case, keeping in view the fact that the petitioner is no longer required for the purpose of investigation; statement of prosecutrix has already been recorded and he is in custody for the last ten months as such the petitioner is directed to be released on bail subject to:-

- (i) His furnishing personal bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the learned Trial Court.
- (ii) He shall furnish his address as well as the contact number to the SHO concerned/Investigating Officer of the case as well as to Trial Court.

Application stands disposed of.

A copy of the order be given *dasti* to counsel for the petitioner.

SUNITA GUPTA, J

FEBRUARY 02, 2016/rd