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

+ **BAIL APPLN. 48/2017**

ARJUN SINGH Petitioner

Through: Mr.Gaurav Kochar, Adv.

versus

STATE Respondent

Through: Ms.Kusum Dhalla, APP for State
W SI Rekha, PS-Mayur Vihar
Complainant in person.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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12.01.2017

CRL.M.A.527/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 48/2017

This is an application under Section 439 Cr.P.C. filed on behalf of the petitioner seeking grant of regular bail in case FIR No.284/2016, under Sections 376/506 IPC & 4 POCSO Act, registered at Police Station-Mayur Vihar Phase-I, Delhi.

Counsel for the petitioner has submitted that the petitioner is an innocent person and the allegations alleged against the present petitioner is false. He has further submitted that the complainant/victim was major who was in love with the petitioner and it was the complainant/victim who was the consenting party and resultantly, the petitioner got married with the

complainant/victim. He has further submitted that right now the complainant/victim is the wife of the petitioner. He has further submitted that Section 4 POCSO Act is not applicable in the instant case as the FIR itself shows the victim's age as 19 years old. He has further submitted that the petitioner is in judicial custody since 28th July, 2016 and is no longer required for further investigation in the present case. He has further submitted that trial is not likely to conclude in near future and the continued incarceration of the petitioner will not serve any purpose and prays that the petitioner be released on regular bail.

Learned APP for the State has vehemently opposed the bail application.

It is an admitted case of both the parties that the petitioner right now is in judicial custody since 28th July, 2016. It is also an admitted fact that the victim/complainant was a major at the time of incident and at present she is the wife of the petitioner.

Looking in the above facts and circumstances, since as per the FIR the complainant/victim is major and the FIR itself shows that there was friendly relationship between the petitioner and the complainant/victim and the allegations qua against the petitioner is that the petitioner refused to marry her which indicates that there was consent on the part of complainant/victim. The petitioner is stated to be in judicial custody since 28th July, 2016. No purpose would be served if the petitioner is kept in judicial custody as the trial is likely to take some time, consequently, 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 concerned Court below with the condition that he should not tamper the prosecution evidence and he should

not leave India without prior permission of the Court below.

The present bail application is disposed of accordingly. However, this order shall not affect the merit of the case.

Copy of the order be given *dasti*, as prayed.

I.S.MEHTA, J

JANUARY 12, 2017/radhika