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

+ **BAIL APPLN. 85/2017**

DEEPAK JAIKARIA

..... Petitioner

Through: Mr.Dhan Mohan, Adv. with Ms.Tanu
and Mr.Sarthak Maggo, Adv.

versus

STATE

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for State
SI N.L.Yadav, Police Station-Khyala

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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09.03.2017

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.300/2016, under Sections 363/376 IPC & Section 4 of POCSO Act, registered at Police Station-Khyala, Delhi.

Learned counsel for the petitioner submits that the petitioner is an innocent person and allegations alleged in FIR No.300/2016, under Sections 363/376 IPC & Section 4 of POCSO Act, registered at Police Station-Khyala, Delhi is false. He submits that the petitioner herein is a young boy of 19 years and the prosecutrix is of 17 years old. He further submits that the prosecutrix in her statement under Section 164 Cr.P.C has stated that she is in love with the petitioner and she wants to marry the petitioner but they could not marry as they are not of marriageable age. Counsel for the petitioner further submits that investigation has already been completed and

the charge sheet has already been filed and charge has been framed. He further submits that the petitioner herein is a young boy of 19 years and is in judicial custody since 11.07.2016 and not 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.

On the other hand, learned APP for the State has vehemently opposed the bail application and has submitted that on the date of incident, the prosecutrix was 14 years 6 months of age as per MCD record. He further submits that the petitioner may influence the witnesses during trial, if released on bail.

It is an admitted case of both the parties that the petitioner is a young boy of 19 years and right now he is in judicial custody since 11.07.2016. The statement of prosecutrix under Section 164 Cr.P.C is reproduced:

“I am in love with Deepak. My mother and father were not ready for our marriage which is why we left home on 7 July to get married. We came back yesterday. We did not get married because we are not 18 years of age. I will only marry Deepak. Please leave him. The physical relations between us were based on mutual consent.”

The investigation has already been completed and the petitioner is stated to be in judicial custody since 11.07.2016. 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 shall not influence the prosecution witnesses; he shall not contact, threaten or

coerce the victim or any of her family members or to indulge in any illegal activities; he shall not tamper the prosecution evidence and he should not leave India without prior permission of the Court below.

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

All pending application(s) (if any) also stand disposed of.

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

I.S.MEHTA, J

MARCH 09, 2017/radhika