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

+ **BAIL APPLN. 620/2017**

NASAR ALAM

..... Petitioner

Through : Mr.Mobin Akhtar, Advocate.

versus

STATE OF DELHI

..... Respondent

Through : Ms.Meenakshi Chauhan, APP with SI
Shanti, PS Jamia Nagar.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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30.05.2017

1. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.1663/2015 registered under Section 376/363 IPC and Section 4 of POCSO Act. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. By an order dated 18.05.2017, the petitioner was granted interim protection and was directed to join the investigation as and when required. At first instance, he was directed to appear before the Investigating Officer on 20.05.2017 at 03.00 p.m. Undisputedly, the petitioner has since joined the investigation.

3. As per status report, on ossification test, age of the complainant has been assessed as 18 years and 4 months. Section 4 POCSO Act has been deleted. On 10.12.2015, one Israil lodged complaint

BAIL APPLN. 620/2017

page 1 of 2

with the police that his sister-in-law 'X' aged 14 years was missing. He suspected petitioner's involvement in her elopement. On that, case under Section 363 IPC vide FIR No.1663/2015 was registered. On 21.12.2015, the complainant and the prosecutrix appeared at the Police Station. She informed that the petitioner had taken her on the pretext that his mother was ill. Instead, the petitioner took her to a hotel and committed rape upon her.

4. Possibility of the prosecutrix to have physical relations (if any) with the petitioner with consent cannot be ruled out at this stage.

5. Considering the facts and circumstances of the case, the petitioner is granted anticipatory bail and in the event of arrest, he be released on furnishing personal bond in the sum of ₹ 50,000/- with one surety in the like amount to the satisfaction of the SHO/Investigating officer. He shall, however, join the investigation as and when required.

6. The bail application stands disposed of.

S.P.GARG, J.

MAY 30, 2017 / tr