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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 651/2017**
PARDEEP KUMAR @ PARVEEN Petitioner
Through: Mr.Chirag Khurana, Adv.

versus

STATE Respondent
Through: Ms.Kusum Dhalla, APP for State
SI Koyal, PS-Nihal Vihar

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
% **30.05.2017**

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.646/2016, under Sections 363/376 IPC & Section 6 POCSO Act, registered at Police Station-Nihal Vihar, Delhi.

Learned counsel for the petitioner submits that the petitioner is an innocent person and allegations alleged in FIR No.646/2016, under Sections 363/376 IPC & Section 6 POCSO Act, registered at Police Station-Nihal Vihar, Delhi is false. Counsel for the petitioner further submits that investigation has already been completed. He further submits that the allegation qua against the petitioner under Section 376 IPC is false. He has further submitted that the victim was not recovered at the instance of the petitioner. He has further submitted that the victim has not supported the version of the prosecution in her statement under Section 164 Cr.P.C. He further submits that the petitioner is in judicial custody since 13.09.2016 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 if the petitioner is released, he may influence the witnesses during trial. She has further submitted that the petitioner has taken away the victim from lawful guardian to Nainital.

Looking in the above facts and circumstances, since the investigation has already been completed and the petitioner is stated to be in judicial custody since 13.09.2016 and keeping in view the statement of the victim under Section 164 Cr.P.C which exonerates the petitioner from the allegations under Section 376 IPC, 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 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

MAY 30, 2017/sr