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

+ **BAIL APPLN. 628/2017**

ARVIND KUMAR PAHUJA Petitioner

Through **Mr.R.D. Sharma, APP.**

versus

THE STATE NCT OF DELHI Respondent

Through **Mr.M.S. Oberoi, APP with SI Sachin
Kumar, PS Amar Colony.**

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% 12.04.2017

Crl.M.A. 5882/2017 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 628/2017 & Crl.M.A. 5881/2017 (Interim Bail)

The present application has been filed under Section 438 read with Section 482 Cr.P.C. for the grant of anticipatory bail in FIR No.56/2017, under Sections 4 and 21 of POCSO Act and Section 377 IPC, Police Station Amar Colony.

The facts of the present case are that the instant FIR was registered against the main accused Pawan Kumar. It was alleged against him that accused Pawan Kumar was a student of Blind School

and was student of class 12th. It was alleged that he sexually assaulted and committed unnatural act with the victim aged about 10 years on 01.01.2017 and sexually assaulted another minor on 20.12.2016.

The role of the petitioner/accused is that he was the Supervisor of the Blind School and it was alleged against him that despite having the knowledge of the commission of sexual assault by the main accused Pawan Kumar, he had not reported the matter to the police.

During the course of arguments, it has been submitted that two notices under Section 41 of the Cr.P.C. have been issued to the petitioner/accused to join the investigation. Section 41 of the Cr.P.C. provides for joining of investigation by an accused.

In view of above mentioned facts and circumstances, the application is allowed. It is hereby ordered that in the event of arrest of the petitioner/accused, he be released on bail on furnishing the personal bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the arresting officer. The petitioner is directed to join the investigation as and when required. He is directed not to tamper with the evidence and influence the prosecution witnesses. He is further directed not to leave the country without prior permission of the court concerned.

Before parting with the order, this Court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the

case which shall naturally have to be done by the Trial Court seized of the trial.

The application is accordingly disposed of.

P.S.TEJI, J

APRIL 12, 2017
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