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

+ **BAIL APPLN. 1598/2016**

WASIULLAH SHEKH

..... Petitioner

Represented by: Mr. Maninder Singh, Mr. Ajay
Kumar Pipaniya, Ms. Smriti
Asmita and Ms. Aekta Vats,
Advocates.

versus

STATE

..... Respondent

Represented by: Mr. Amit Ahlawat, APP for the
State with Inspector Shiv
Kumar, SHO, PS Tilak Nagar,
Delhi.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

28.03.2017

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1. By the present petition, the petitioner seeks anticipatory bail in case FIR No. 530/2016 under Sections 376/506 IPC read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 (in short the POCSO Act') registered at PS Tilak Nagar, Delhi.

2. In the written complaint dated 20th June, 2016 given by the complainant, on the basis of which above noted FIR was registered, it was alleged that the complainant had come to Delhi around five-six years ago to reside with her uncle, that is, the petitioner. She alleged that her uncle made sexual relations with her and threatened her not to tell anybody. When she

BAIL APPLN. 1598/2016

Page 1 of 3

got married in April, 2016, she told everything to her husband and thereafter the above noted FIR was registered.

3. During the course of investigation the prosecution found out that the date of birth of the complainant was disputed as from one of the school, the date of birth was mentioned as 3rd April, 1991 whereas in the other it was mentioned as 2nd February, 1996. No ossification test could be conducted as the complainant was on family way and had recently delivered a child.

4. The complainant has also filed an affidavit in W.P.(Crl.) No. 2136/2016 wherein in the reply she stated that the above noted FIR was lodged against the petitioner at the insistence of her in-laws in order to extort illegal money from the petitioner. The petitioner was in fact taking care of her in place of her parents and the relation between the two of them was as father and daughter.

5. Be that as it may, the truth of the averments of the complainant will be tested in the course of the trial, however, considering the nature of allegations and the subsequent reply affidavit filed by the complainant in W.P.(Crl) No.2136/2016 this Court deems it fit to grant anticipatory bail to the petitioner. It is, therefore, directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that he will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the court concerned. In case of change of address, the same will be duly intimated to the Court concerned by way of an affidavit.

6. Petition is disposed of.
7. Order dasti.

MARCH 28, 2017
‘vn’

MUKTA GUPTA, J.