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

+ **BAIL APPLN. 2080/2016**

MANOJ @ MOHAN RAM

..... Petitioner

Represented by: **Mr. Naresh Kumar, Advocate.**

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: **Mr. Hirein Sharma, APP for
the State with Inspector Saroj
Bala and SI Amit Kumar, PS
Ambedkar Nagar.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

04.05.2017

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1. By the present petition the petitioner seeks bail in case FIR No.397/2015 under Sections 363/376 IPC and Section 6 of the Protection of Children from Sexual Offence Act, 2012 (in short 'POCSO Act') registered at PS Ambedkar Nagar, Delhi.

2. Learned counsel for the petitioner submits that though it is the case of the prosecutrix in the FIR as well as in her statement under Section 164 Cr.P.C. that the petitioner allegedly inserted his penile organ in the vagina, however, the same is belied both by MLC and the FSL report. Learned counsel for the petitioner also submits that the petitioner has been falsely implicated because of the previous enmity and the quarrel which took place between the two families. He states that in any case, both the material

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witnesses, that is, the prosecutrix and her mother have already been examined and now only formal witnesses are required to be examined. Thus there is no apprehension that the evidence would be tampered.

3. Learned APP for the State has taken me to the contents of the FIR, MLC and the FSL report. The allegations of the victim who is a ten year old girl are that she had gone on cycle with the petitioner who was the son of her aunt. He took her to the park and there he put off her clothes and that of his, whereafter he inserted his penile organ into the vagina. FIR was registered immediately and the prosecutrix examined medically.

4. Without further going into the aspect whether that the version of the prosecutrix is corroborated by the MLC or FSL, which has since been received, sufficient would it be to note that material witnesses have already been examined, petitioner is in custody since 16th April, 2015 and the trial is still likely to take some time. Thus this Court deems it fit to grant bail to the petitioner pending conclusion of the trial. Consequently, 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, subject to the satisfaction of the learned Trial Court, further subject to the condition that the petitioner will not leave the country without prior permission of the court concerned and in case of any change in the residential address, the same will be intimated to the Court concerned.

5. Learned counsel for the petitioner states that the family of the petitioner is now residing in a different locality from that of the complainant.

6. The petitioner would not go near the residence of the complainant during the pendency of the trial.
7. Petition is disposed off. Order dasti.

MUKTA GUPTA, J.

MAY 04, 2017

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