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

+ BAIL APPLN. 1041/2017

DEEPAK KUMAR JHA @ RAVI Petitioner

Through Mr.Anil Kumar Jha, Adv.

versus

STATE GOVT OF NCT OF DELHI Respondent

Through Mr.Panna Lal Sharma, APP with SI
Sadhna, PS Anand Parbat.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **30.05.2017**

Arguments heard.

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.77/2017, under Sections 363/364/212/376 IPC and Section 6 of the POCSO Act, Police Station Anand Parbat.

The allegations levelled in the present case are that the complainant initially got lodged the FIR under Section 363 IPC for the kidnapping of the prosecutrix by the accused. Thereafter, the prosecutrix was found and she levelled the allegations of commission of rape upon by the petitioner/accused. Since the prosecutrix was a minor girl, penal provision of POCSO Act was added in the present case.

Submission made by the counsel for the petitioner is that the

prosecutrix had given an affidavit to the effect that she was major at the time of alleged offence and she herself left her house and it was the petitioner who accompanied her after much persuasion. No offence as alleged was ever committed by the accused. The complainant has lodged the instant false FIR against the petitioner.

Perusal of record shows that the statement of the prosecutrix under Section 164 Cr.P.C. was recorded in which she stated her age as 17 years. She had stated that on 08.03.2017 at about 8.00 p.m. when she was returning after coaching, she met Kaushal who showed knife to her and told that accused Ravi was calling her. She was taken to a station where accused was standing having a knife. Accused threatened the prosecutrix either to perform marriage else life of her and her sister would be ruined. They took the prosecutrix to Vaishno Devi and on the way cold drink was consumed by her laced with sedatives. On the next day, she regained consciousness in Jammu. Accused Ravi took a room in a hotel and used to lock her inside. Accused Ravi committed rape upon her and used to give something in the cold drink due to which she used to remain unconscious. Then accused took the prosecutrix to Balaji where they remained for 10-15 days. Thereafter, accused took the prosecutrix to his advocate where they spent a night. Accused, his advocate and police official asked the prosecutrix not to get her internally examined.

The Investigating Officer of the case has placed on record the school leaving certificate and other documents which shows that the prosecutrix was a minor girl at the time of alleged offence. The

allegations levelled against the accused are serious in nature to the effect that firstly he kidnapped the prosecutrix, a minor girl and then committed rape upon her.

In view of the above mentioned facts and circumstances, this Court is not inclined to grant bail to the petitioner/accused.

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 present petition 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 present petition is accordingly dismissed and disposed of.

P.S.TEJI, J

MAY 30, 2017
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