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

+ BAIL APPLN. 1103/2017

OMKAR PATLE Petitioner

Through: Ms.Divya Attri, Adv.

versus

STATE Respondent

Through: Mr.Panna Lal Sharma, APP for State
SI Sumitra Sharma, PS-Rajouri
Garden

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **28.07.2017**

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.1313/2015, under Sections 509 IPC & Section 10/12/18 POCSO Act, registered at Police Station-Rajouri Garden, Delhi.

Learned counsel for the petitioner submits that the petitioner is an innocent person and allegations alleged in FIR No.1313/2015, under Sections 509 IPC & Section 10/12/18 POCSO Act, registered at Police Station-Rajouri Garden, Delhi is false. Counsel for the petitioner further submits that there is no evidence qua against the present petitioner that he committed any physical violence or he molested the victims. He further submits that the petitioner is in judicial custody since 11.04.2017 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.

It is an admitted case of both the parties that the petitioner right now is in judicial custody since 11.04.2017. A bare perusal of the FIR shows that there is no allegation against the petitioner that the petitioner assaulted the victims or molested the victims. The only allegation against the petitioner is that he hurled abuses.

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 11.04.2017, 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.10,000/- 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

JULY 28, 2017/sr