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

+ **BAIL APPLN. 1566/2017**

SACHIN

..... Petitioner

Through : Mr.Arvind Kumar Adv.

versus

THE STATE

..... Respondent

Through : Mr.Kewal Singh Ahuja, APP for the
State with SI Yogendra Kumar, PS
Burari.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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11.08.2017

Crl.M.A.No.12968/2017

For the reasons stated in the application the delay of 36 days's in re-filng the bail application is condoned.

The application stands disposed of.

BAIL APPLN. 1566/2017

1. The petitioner is seeking regular bail in case FIR No. 0257/2016 u/s 377/506/34 IPC, registered at P.S. Burari.
2. Learned counsel for the petitioner has submitted that petitioner has been falsely implicated in this case and there are contradictions in the version of the complainant/victim as given by him in the FIR which is at variance from his deposition before the Court. Learned counsel for the petitioner has also submitted that petitioner is in judicial custody since May,

2016. He has been falsely implicated in this case merely because he is known to the co-accused. There is delay in lodging the FIR and material witnesses have already been examined hence, petitioner may be released on bail.

3. The above-noted case was registered on the statement of the child victim who was aged about 17 years at that time and was a student of 9th standard.

4 In the FIR he reported that his neighbour Manoj@ Bunty had committed act of sodomy about one year prior to that date and thereafter he was threatened not to disclose to anyone or he would be killed. After a few days Bunty disclosed this to the petitioner Sachin who was also known to the child victim. The petitioner Sachin also started pressuring him for this *Galat kaam* and committed act of sodomy after about two weeks of the first incident. Thereafter about 5-6 times Sachin and Bunty both used to commit the act of sodomy and due to fear, shame and the threats extended he did not disclose to anyone. Last act was about two months prior to the registration of the FIR. Ultimately, he gathered courage and informed his tutor who in turn informed his parents and the matter was reported to the police.

5. While granting bail this Court is not required to appreciate the testimony of a witnesses or take note of the contradictions, if any, on the points like where the offence was committed, and whether it was at the house of petitioner or somewhere else. The child victim has suffered silently for a period of about one year due to fear, shame and threats extended to him, till he could muster the courage to inform his tutor.

6. Taking into consideration nature and gravity of the offence as well the victim being allegedly subjected to sodomy/unnatural intercourse

repeatedly, I do not find it to be a fit case to release the petitioner on bail merely because the victim has been examined or there are some contradictions in his statement.

7. The application for bail is dismissed.

PRATIBHA RANI, J.

AUGUST 11, 2017

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