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

+ **BAIL APPLN. 1224/2017**

SHRI SANJAY KUMAR

..... Petitioner

Through: Mr.D.S. Dalal, Advocate with
Ms.Babita, Advocate.

versus

STATE

..... Respondent

Through: Mr.Tarang Srivastava, APP for State
with SI Buglesh, PS Shakarpur, Delhi.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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02.08.2017

1. The petitioner has moved this petition under Section 439 of Cr.PC for grant of regular bail in respect of case FIR NO. 219/2017, registered on 17.05.2017 on the statement of his brother's wife, with Police Station Shakarpur, Delhi under Section 354/506 of IPC and Section 8 of Prevention of Children from Sexual Offences Act.
2. Status report has been filed.
3. As per the allegations in the FIR, it is stated that she resides on the ground floor along with her family and her husband's elder brother Sanjay (petitioner) resides on the first floor of the house. There is a toilet on the terrace of the first floor. On 17.05.2017 at about 03.30 PM, her husband was at the roof and her daughter "P" aged about 4½ years went to the terrace of the first floor to use the Toilet and she started crying. Her husband found that the petitioner was kissing her daughter on the face and neck. Because of this, there was fight between her husband and the petitioner.

4. As per the status report, it is mentioned that the dispute actually arose between two brothers over the Sale Deed of the house. The allegations made by the complainant were not found truthful.
5. Learned APP opposed the bail application. Surprisingly, it is submitted that the charge sheet has already been filed. Though, the status report speaks that dispute was on account of registered document.
6. Learned counsel for the petitioner points out to the statement of the mother of the petitioner Smt. Sangeeta recorded under Section 161 Cr.PC to the effect that she had refused to show the Sale Deed of the house and therefore there was an altercation between Anil and Sanjay (petitioner) and they started pelting stones on each other and she called the police by calling at PCR No. 100. Smt. Sangeeta is present in the court. She submits that on that day they all came after attending court proceedings under Section 498A of IPC and at about 03:00 PM this incident took place.
7. In the facts and circumstances of the case, since the charge-sheet has already been filed and the petitioner is in custody since 01.06.2017, it is directed that the petitioner be released on bail on his furnishing bail bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the learned Trial Court/Duty Magistrate.
8. The bail application is disposed of.
9. Order DASTI.

VINOD GOEL, J.

AUGUST 02, 2017

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