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

+ **BAIL APPLN. 1313/2017**

VINOD KUMAR

..... Petitioner

Through: Mr.Ravin Ras, Mr.Ashwani Sharma,
and Mr.Jujhar Singh, Advocates.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Ms.Meenakshi Dahiya, APP for the
State with SI Ram Pal Singh, PS
Nihal Vihar.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

O R D E R

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12.07.2017

CrI.M.A. No.10795/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

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1. The petitioner Vinod Kumar has filed this bail application under Section 439 Cr.P.C. seeking bail in case FIR No.142/2017 under Section 363/328/366/366A/506/376D/34 IPC & under Section 6 of POCSO Act, PS Nihal Vihar.

2. I have heard learned counsel for the parties.

3. Case FIR No.142/2017 under Section 363/328/366/366A/506/

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376D/34 IPC & under Section 6 of POCSO Act, PS Nihal Vihar has been registered on the basis of complaint made by the complainant Ms. 'A' (name withheld to conceal her identity). The contents of the FIR reveal that the complainant Ms. 'A' was aged about 17½ years when she had to marry Anuj for the reason that her elder sister with whom marriage of Anuj was fixed, eloped and to save the honour to the family, she was got married to Anuj. As per the complaint, prior to her marriage with Anuj, she was having friendly relations with Sunny (co-accused) and was on talking terms with him even after her marriage. Co-accused Sunny visited her at her in-laws' house also two-three times.

4. The FIR further discloses that on 21st March, 2017 co-accused Sunny called her and asked her to meet him at Nilothi Mod. When she reached there at about 2.00 pm, she met Sunny who asked her to sit in the vehicle and then talk so that they could not be seen by the public persons present there. Sunny was on the driving seat and she sat alongwith him on the front seat. After sitting in the vehicle, she noticed presence of petitioner Vinod, who was sitting on the rear seat of the vehicle. Sunny took her to Kiradi. Thereafter petitioner Vinod took away the vehicle and left that place.

5. As per the FIR, the allegations of rape are only against co-accused Sunny.

6. Petitioner has also placed on record the copy of the order dated 1st May, 2017 passed in Bail Appln. No.721/2017 whereby he was granted interim bail for a period of four weeks on the ground of birth of his child as there was none to take care of his wife.

7. Taking into consideration that as per the FIR, the only allegation

against the present petitioner Vinod Kumar is that he was sitting in the vehicle and after the complainant alongwith Sunny reached Kiradi, the petitioner took away the vehicle leaving them there, I find it to be a fit case to admit the petitioner on bail.

8. The petitioner Vinod Kumar is admitted to bail on his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of concerned Court/link Court, subject to the condition that during the pendency of the trial, the Petitioner shall not contact the Complainant or other public witnesses in any manner whatsoever.

9. Bail application is allowed.

10. Any observations made hereinabove for the purpose of dealing with the contentions raised during hearing of the bail application shall not be deemed to be an expression on merits of the case.

11. As prayed, copy of the order be given dasti to learned counsel for the parties.

12. A copy of the order be also sent to the concerned Court as well as the concerned Jail Superintendent for information and compliance.

PRATIBHA RANI, J.

JULY 12, 2017

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