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

+ **BAIL APPLN. 1536/2017**

VANSH BAHADUR

..... Petitioner

Through: Mr.Rajat Aneja, Ms.Chandrika Gupta
& Ms.Nisha Sharma, Advocates

versus

THE STATE

..... Respondent

Through: Ms.Kusum Dhalla, APP for the State
with W/SI Arti PS Patel Nagar

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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18.08.2017

1. This is an application moved on behalf of the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.105/2017 under Sections 363/365/366/376-D/109/34 IPC and under Sections 6/17/21 of POCSO Act, PS Patel Nagar.

2. Status report on behalf of the State has been filed which is to the following effect:-

“It is submitted that on 02.04.2017 a case vide FIR No.105/2017 u/s 363 IPC, PS Patel Nagar was registered on the statement of Smt.Kavita W/o Sh.Vijay Prashad, R/o G-182, Gayatri Colony, Baljeet Nagar, Delhi. She alleged that her daughter namely Ritika, aged 14 was missing since 01.04.2017. The investigation of the case had been entrusted to SI Pramod Kumar. On 04.04.2017 the missing/kidnapped girl was

recovered and brought to the Police Station by her parents. The statement of the victim girl Ritika was got recorded by the then IO/SI Pramod Kumar in the presence of W/HC Indu Bala, No.2259/C. Ritika stated in her statement that when she was returning from her school, one Abhishek met her with his two friends. One of them covered her face with handkerchief and she became unconscious. She had been taken by them in a vehicle and raped by all of them in the vehicle. After that they took the victim to an unknown place. Father of the CCL present petitioner came at the said unknown place and forced his son to apply "Sindoor" on the forehead of victim Ritika. The CCL along with his father took her at their residence. The medical examination of the victim was got conducted. She was produced before CWC on their direction's and handed over to her parents. Section 365/366/376-D/109 IPC & 6/17/21 POCSO Act were added in the present case. The investigation of the case was entrusted to the present IO. During the investigation, the statement of the victim u/s 164 Cr.P.C. was got recorded. The CCL Abhishek has been apprehended. Accused Vansh Bahadur has been arrested in the case and sent to judicial custody as he abetted his son to commit the offense and sent to judicial custody. The date of birth of the victim was got verified and the same is 03.03.2003.

The victim, CCL and accused Vansh Bahadur are residents of the same vicinity. CCL is on bail and it came to light that the victim is being harassed by him. If the accused is released on bail the victim could be pressurized or influence by him. As the charge in the case is yet to be framed, the accused may threaten the victim. The next date of hearing is 22.08.2017. Any order/direction passed by Hon'ble High Court shall be complied with accordingly."

3. Thus, as per the status report the petitioner, who is father of the juvenile, forced his son to apply 'Sindoor' on the forehead of victim 'R' (name withheld to conceal the identity) and thereafter she was taken to their

residence.

4. While lodging the FIR No.105/2017 the complainant, who is the mother of victim, suspected the juvenile, who is son of the present petitioner, specifically mentioning therein that three months prior thereto also he (the juvenile) had enticed away her daughter.

5. Learned counsel for the petitioner has drawn the attention of this Court to the Annexure P-4 (Page 49), which is the photocopy of handwritten statement dated 3rd April, 2017, wherein she mentioned about being in love and going for marriage as per her choice. Learned counsel for the petitioner fairly concedes that this document is not forming part of the charge-sheet and has been filed at this stage only to bring on record that it was a case where the minor son of the petitioner herein and the daughter of the complainant both were in love and wanted to marry each other.

6. Taking into consideration that the petitioner is the father of the juvenile with whom daughter of the complainant had earlier allegedly eloped, the limited role being attributed to the petitioner is that he forced his son to put '*Sindoor*' on her forehead, the petitioner is admitted on bail on his furnishing personal bond in the sum of ₹25,000/- with one surety of the like amount to the satisfaction of learned Trial Court/Link Court.

7. Bail application is allowed.

8. As prayed copy of the order be given dasti to learned counsel for the petitioner.

9. A copy of the order be also sent to the concerned Jail Superintendent for information.

PRATIBHA RANI, J.

AUGUST 18, 2017/ 'pg'

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