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

+ **BAIL APPLN. 1721/2017 & CrI.M.B.1572/2017**

SAURABH

..... Petitioner

Represented by: Mr. Naresh Panwar, Adv.

versus

GOVT OF NCT OF DELHI

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP
with WSI Usha Yadav, PS S.J.
Enclave.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

23.11.2017

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1. By this petition the petitioner seeks regular bail in case FIR No.364/2016 under Section 376/506 IPC read with Section 4/6 and 10 of the Protection of Children from Sexual Offences Act (in short the POCSO Act).

2. The allegations against the petitioner by the complainant who was aged 16 years are that the petitioner befriended her and though initially she was not interested he once took her to a district park and committed rape upon her. Then on the threats of showing her obscene photographs to everyone he further committed rape on her.

3. Learned counsel for the petitioner submits that the version of the prosecutrix cannot be relied upon as in the FIR the incident is of September, 2015 at Deer Park whereas in her statement under Section 164 Cr.P.C. she stated that the incident took place in November, 2015 at the Rose Garden.

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4. At this stage, piecemeal appreciation of evidence of the prosecutrix cannot be done. At best the endeavour of the petitioner in the cross-examination is to show that the prosecutrix was a consenting party, however the same is immaterial for the reason the age of the prosecutrix at the time of the alleged incident was below 18 years. In view of the deposition of the prosecutrix, this Court finds no ground to grant bail to the petitioner at this stage.

5. Petition is dismissed.

MUKTA GUPTA, J.

NOVEMBER 23, 2017
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