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

+ **BAIL APPLN. 1717/2017**

SHAILESH KUMAR

..... Petitioner

Represented by: Mr. Sumit Gaba, Mr. Amit
Gaba, Advs.

versus

THE STATE

..... Respondent

Represented by: Mr. Ashok Kr. Garg, APP with
SI Chhote Lal, PS Punjabi
Bagh.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

28.11.2017

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By this petition the petitioner seeks bail in case FIR No. 828/2014 under Sections 363/366A/376 IPC and 4 of the Protection of Children from Sexual Offences Act (in short the POCSO Act) registered at PS Punjabi Bagh.

The FIR was registered on the complaint of the brother of the victim who stated that his sister was missing. On 1st October, 2014 i.e. after six days when the prosecutrix was brought back from Patna, Bihar by the Police she stated that she had gone to relieve outside where the petitioner with his friend was standing. Petitioner kept handkerchief on her mouth and he along with his friend took her out of Delhi. Petitioner hired a tempo and took her to Lucknow. From Lucknow petitioner took her in a train to Patna,

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Bihar. At Patna she was kept at the home of the petitioner where his parents were also residing and the petitioner raped her in his home. The prosecutrix has since been examined before the Court and she has fortified the statement made during the course of investigation and under Section 164 Cr.P.C.

Despite the fact that the petitioner is in custody since 17th December, 2014 till date in the trial only one witness i.e. the prosecutrix has been examined and 16 more witnesses are yet to be examined by the prosecution. Though at this stage this Court is not inclined to grant bail to the petitioner, however since the petitioner is now in custody for nearly three years, the Trial Court is requested to expedite the trial and complete the same preferably within six months from the next date of hearing before the Court.

Petition is disposed of with directions as above.

MUKTA GUPTA, J.

NOVEMBER 28, 2017
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