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

+ **BAIL APPLN. 1756/2017**

MOHD ALAM

..... Petitioner

Through: Mr.Vikas Pahwa, Sr.Advocate with
Mr.Rauf Rahim, Mr.Karan Khanuja,
Ms.Paulami Das & Ms.Kanika
Sondhi, Advocates

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for the
State with PSI Suruchi, PS Lajpat
Nagar, Delhi

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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15.09.2017

CRL.M.A.15480/2017

1. By way of this application filed under Section 482 Cr.P.C. the petitioner is seeking permission to file additional documents.

2. For the reasons stated in the application, the application is allowed.

CRL.M.A.14458/2017

1. Learned counsel for the petitioner does not want to press the application at this stage.

2. The application is dismissed as not pressed.

BAIL APPLN. 1756/2017

1. By way of this application filed under Section 439 read with Section 482 Cr.P.C., the petitioner is seeking bail in case FIR No. 0269/2017 under Section 376 IPC and Section 6 of POCSO Act, registered at PS Lajpat Nagar, Delhi.
2. Mr.Vikas Pahwa, learned senior counsel for the petitioner submits that the photograph of the shop being run by the petitioner at the relevant time, shows that it has full glass frontage.
3. Mr.Vikas Pahwa, learned senior counsel further submits that after registration of this FIR No.0269/2017 under Section 376 IPC and Section 6 of POCSO Act, PS Lajpat Nagar, even the said shop has been vacated by the petitioner and there is no chance of even contacting the victim or her family.
4. Learned senior counsel for the petitioner has also drawn the attention of this Court to the statement of the victim recorded under Section 164 Cr.P.C. wherein she has stated that the petitioner had touched her vagina, hand and on belly and frightened her as *bhoot* (ghost). The attention of this Court has also been drawn on the photographs wherein the father of the victim and his friend are visible and the money has been accepted by the father through his friend Mustafa @ Vicky and cheques were also received. For this extortion by the victim's family FIR No.0349 dated 3rd August, 2017 has been registered on the directions of the learned MM issued in exercise of power under Section 156(3) Cr.P.C. and status report has also been filed by the SHO, PS Lajpat Nagar which is placed at page number 98 & 99 of this petition.
5. Mr.Vikas Pahwa, learned senior counsel further submits that while the chargesheet against the petitioner has already been filed on 19th July, 2017,

investigation in case FIR No.0349/2017, registered on the complaint of the wife of the petitioner, is still going on. Learned senior counsel for the petitioner prays that he is not pressing for regular bail at this stage and the petitioner may be released on interim bail for a reasonable time so that in the meanwhile correct facts may emerge and may be considered by the Court at an appropriate stage.

6. The case FIR No.0269/2017 was registered on 10th June, 2017 at 21:30 hrs. on the complaint made by Ibtissam Farfari wife of Yasir Altaf Gosain, resident of E-57, F.F. Lajpat Nagar-II, New Delhi-110024. In her report she stated that she resides at the above address along with her four year old daughter. On the day of the incident i.e. 10th June, 2017, her daughter was playing near the stairs and entered the cloth shop being run by the petitioner Mohd.Alam. The petitioner Mohd.Alam caught her daughter and inserted his finger in her private part. On hearing the scream of her daughter she entered the shop and found her daughter crying and her daughter informed her about the act done by the 'uncle' (petitioner). When the statement of child victim was recorded under Section 164 Cr.P.C., she stated about the 'uncle', who was running a cloth shop, that he touched her hand, abdomen and also pointed towards her vagina that he also touched there. The MLC of the child has also been annexed with the bail application and learned senior counsel for the petitioner submits that it records redness and hymen intact.

7. Learned counsel for the complainant is also present in the Court and submits that the money, if any, received by the husband of the complainant has nothing to do with this case as he had divorced the complainant in the year 2015. Attention of the learned counsel for the complainant has been

drawn to the FIR No.0269/2017, under Section 376 IPC and Section 6 POCSO Act, PS Lajpat Nagar wherein the complainant has stated herself to be the wife of Yasir Altaf Gosain.

8. Taking into consideration the entire facts and circumstances and the submission made by learned senior counsel appearing on behalf of the appellant, **the petitioner is granted interim bail for a period of three months from the date of release** on his furnishing a personal bond in the sum of ₹1,00,000/- (Rupees One Lakh) with one surety of the like amount to the satisfaction of the learned Trial Court/link Court, subject to the following conditions:

(i) He shall not leave the country without the permission of the learned Trial Court.

(i) He shall not try to influence or contact the witnesses in any manner.

9. The bail application is allowed in the above terms.

10. Copy of this order be sent to the Jail Superintendent for information.

11. Copy of the order be also given dasti to the learned counsel for the petitioner under the signature of the Private Secretary.

PRATIBHA RANI, J.

SEPTEMBER 15, 2017

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