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

+ **BAIL APPLN. 2306/2017**

MANOJ

..... Petitioner

Through: **Mr.Shesh Datt Sharma, Advocate**

versus

STATE (GOVT OF NCT) DELHI

..... Respondent

Through: **Ms.Rajni Gupta, APP for the State
with SI Dalbir Singh,
PS Mahendra Park.**

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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14.11.2017

CRL.M.A.18591/2017 & 18592/2017

1. Exemption allowed, subject to all just exceptions.
2. The applications are disposed of.

BAIL APPLN.2306/2017

1. By way of this application filed under Section 439 Cr.P.C. the petitioner is seeking regular bail in case FIR No.77/2017, under Section 376 IPC & Section 6 of POCSO Act, registered at PS Mahendra Park.
2. Notice. Learned APP as above accepts notice on behalf of the State and files the status report.
3. Learned counsel for the petitioner submits that the prosecutrix was on the verge of attaining majority and there is overwriting in the school record. He further submits that the material prosecution witnesses have already been

examined and the petitioner is in custody for last about eight months i.e. since 25th March, 2017. The petitioner may be enlarged on bail as there is no possibility of him influencing the public witnesses.

4. As per school record, the date of birth of the prosecutrix is 21st August, 1999 against Admission No.3850. There is no cutting or overwriting on the date of birth of the prosecutrix. Since in the school record the date of birth of the prosecutrix has been recorded, there was no requirement for subjecting her to ossification test.

5. The prosecutrix in the FIR itself has stated that she was on friendly terms with the petitioner but he established physical relation with her against her will. It was only during her ultrasound that she was found seven months pregnant. The FSL result has been received as per which the petitioner is the biological father of the source Ex. '3'.

6. Taking into consideration that the prosecutrix was below 18 years of age at the time of occurrence, I do not find it to be a fit case to enlarge the petitioner on bail.

7. The application is dismissed.

PRATIBHA RANI, J.

NOVEMBER 14, 2017

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