

\$~46

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2058/2017**
SHIV KUMAR

..... Petitioner

Through: Mr. S.K. Verma, Advocate.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Tarang Srivastava, APP W/SI
Manisha Sharma, P.S. Aman Vihar.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **21.12.2017**

The petitioner is out on bail by this Court's order dated 13.10.2017.

The learned Additional Public Prosecutor for the State submits that the father is complicit in the case for the offence under sections 363, 376 and 366 of POCSO Act. The prosecutrix, a minor was living in his house as the spouse of his minor son. It was incumbent upon the petitioner to have ensured that a minor did not stay in his home.

The learned Additional Public Prosecutor for the State has drawn attention of the Court to the Status Report dated 18.12.2017 filed by SHO, Police Station-Aman Vihar, wherein it is stated as under:-

"Statement of victim was got recorded u/s 164 Cr.PC wherein she stated that on 12.8.2017 she has gone to the house of Ajay as his sister has forcibly sent her to his house. Thereafter Ajay did not allow her to come back her home, she remained at his house for one week. Ajay made physical relations with her despite her refusal. Parents of Ajay were

not allowing her to go to her home and when her parents came to the house of Ajay to trace her, parents and sister of Ajay hide her in the cooler”.

In the circumstances, the interim protection is vacated.

The petition is dismissed.

NAJMI WAZIRI, J

DECEMBER 21, 2017

RW