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

+ BAIL APPLN. 2256/2017

MAHAVEER SINGH

..... Petitioner

Through: Mr.Laxman Singh, Advocate.

versus

STATE

..... Respondent

Through: Mr.Sanjeev Sabharwal, APP for the
State.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

20.11.2017

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1. This instant bail application under Section 439 Cr.P.C. has been filed by the petitioner seeking bail in case FIR No.172/2017 under Section 10 of POCSO Act, and under Section 506 IPC, PS Saket, Delhi.
2. Status report has been filed by the State.
3. Case FIR No.172/2017 has been registered on the basis of statement made by the child victim 'H' (name withheld to conceal her identity) aged about 13 years. As per the FIR, on 21st April, 2017 at about 6.30 pm when the child victim was alone at home, the petitioner who is paternal uncle (*chacha*) of his father came to their house, After some time, the petitioner called him and after kissing him, asked him to remove his *pyjama*. Thereafter the petitioner made the child victim touch his private part and when the child victim resisted, he was threatened by the petitioner.
4. In the statement under Section 164 Cr.P.C. also, the child victim has

stated that after asking him to remove his clothes, the petitioner made him hold his 'main point'.

5. Learned counsel for the petitioner submits that there are contradictions and improvements in the statement of the child victim recorded at the time of registration of FIR and his statement recorded under Section 164 Cr.P.C. He further submits that there is a property dispute between the petitioner and parents of the child victim and due to this reason, the petitioner has been falsely implicated in this case.

6. During the course of hearing of the bail application, learned counsel for the petitioner was requested to show from the record any document which can even remotely indicate any property litigation or dispute between the parties but he could show none.

7. Taking into consideration that the petitioner is related to the victim as grandfather and that the material witnesses including the child victim are yet to be examined in this case, I do not find it to be a fit case to enlarge the petitioner on bail. Prayer rejected.

8. Bail application is dismissed.

PRATIBHA RANI, J.

NOVEMBER 20, 2017

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