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

+ **BAIL APPLN. 2178/2017**

SUMIT KUMAR

..... Petitioner

Through: **Mr.Lokesh Kumar Mishra & Ms.Arti Baghel, Advocates**

versus

THE STATE NCT OF DELHI

..... Respondent

Through: **Ms.Rajni Gupta, APP for the State with SI Sumit Kumar, PS Khyala**

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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31.10.2017

CRL.M.A. No.17672/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

BAIL APPLN.2178/2017

1. By way of this application filed under Section 439 Cr.P.C. the petitioner is seeking regular bail in case FIR No.366/2016, under Section 363/366/376(2)/506/323 IPC & 6 of POCSO Act, PS Khyala.
2. Notice. Learned APP as above accepts notice on behalf of the State.
3. Learned counsel for the petitioner has submitted that the prosecutrix was in love with the petitioner. She was on the verge of attaining the age of majority when she left her house and married the petitioner at Haridwar.
4. Learned counsel for the petitioner has also referred to the two photographs wherein the prosecutrix and the petitioner can be seen getting

themselves photographed apparently as husband and wife and prosecutrix can be seen wearing Mangal Sutra.

5. Learned APP for the State has opposed the bail application inter alia on the ground that the prosecutrix was 17 years old and yet to attain the age of majority, hence the provisions under Section 6 POCSO Act have also been invoked.

6. The FIR No.366/2016 has been registered on the basis of the statement made by the father of the prosecutrix to the effect that on 26th August, 2016 his daughter left home at about 5:00 AM without intimating family members when all of them were sleeping. In the FIR itself her father suspected Sumit Kumar to be the person who might have enticed away his daughter. As per FIR the petitioner was known to the prosecutrix and her family as he used to visit the house of the complainant to sell pant and shirts.

7. Taking into consideration the above facts that the prosecutrix after allegedly leaving her house on her own, accompanied the petitioner to Haridwar and other different places and allegedly married him, the petitioner who is in custody since 8th June, 2017 is ordered to be released on bail on his furnishing a personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of Trial Court/Link Court.

8. As prayed, copy of the order be given *dasti* to learned counsel for the petitioner under the signature of Court Master.

PRATIBHA RANI, J.

OCTOBER 31, 2017

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