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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 2192/2017

DEEPAK @ HARISH KUMAR ..... Petitioner  
Through: Mr. Jayant K. Sud, Sr. Advocate with  
Mr. Aditya Shankar, Mr. Sameer  
Kumar and Mr. Honey Khanna,  
Advocates.

Versus

THE STATE NCT OF DELHI ..... Respondent  
Through: Mr. Ravi Nayak, Additional Public  
Prosecutor for the State with  
SI Gurjeet Singh, P.S. Amar Colony.

**CORAM:**  
**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**ORDER**

% 07.11.2017

**Crl. M.A. No.17740/2017 (for exemption)**

Allowed, subject to all just exceptions.

The application stands disposed off.

**BAIL APPLN. 2192/2017**

This application seeks grant of regular bail to the petitioner in a case bearing FIR No.408/17, under Sections 363/376 IPC and 6 of POCSO Act, registered against him with Police Station Amar Colony, New Delhi.

According to the Status Report filed by the State, at the time of the incident, the minor was 17 years and 10 months of age, i.e. two months short of attaining majority. However, in her statement under Section 164 of the Code of Criminal Procedure, recorded on 26.09.2017 the prosecutrix has

stated that she had eloped with the petitioner, of her own consent, without informing her parents. She has not supported the prosecution case apropos any sexual assault upon her. It is also the complainant's version in the FIR and as well as the status report that the accused and the minor have known to each other since college, where they had spent time with each other.

Keeping in mind the aforesaid circumstances, the Court finds that a case for grant of bail to the petitioner is made out. The application is allowed.

Consequently, the petitioner be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Court concerned, subject to the conditions that:-

- (i) The petitioner shall not leave the country without the prior permission of the Court.
- (ii) The telephone No.8510982449 of his father, namely, Mr. Gauri Shankar, shall be operational at all time so as to receive intimation from the police, should the occasion for the same arise.
- (iii) The petitioner shall make no attempt, directly or indirectly, to contact the complainant or the relatives of the complainant as well as close associates of the complainant.
- (iv) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence

Any observation made in this order shall have no bearing on the merits of the case.

The petition is disposed off.

A copy of this order be given *dasti* to the learned counsel appearing on behalf of the parties under the signature of the Court Master.

**NAJMI WAZIRI, J.**

**NOVEMBER 07, 2017**

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