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

+ BAIL APPLN. 2333/2017

SH. JAGDISH

..... Petitioner

Through Mr. M.K. Srivastava, Advocate

versus

STATE (N.C.T. OF DELHI)

..... Respondent

Through Mr. Ashish Dutta, APP for the State
WSI Maya Devi, PS Nihar Vihar

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **13.12.2017**

The status report is on the record.

Arguments submitted on behalf of the either side.

On behalf of the applicant it has been submitted that there are gross variations in the submissions made in FIR and the statement made under Section 164 Cr.P.C. by the prosecutrix inasmuch as whereas in the FIR there are allegations of alleged sexual harassment and molestation of the minor child, in the statement under Section 164 Cr.P.C. there are further allegations made by the prosecutrix in relation to the accused having allegedly put a knife on the stomach of the prosecutrix and of having slapped her and of her having threatened to kill her which were not there in the FIR and it is further submitted on behalf of the applicant that the prosecutrix was tutored

by her parents. It has also been submitted on behalf of the applicant that the applicant is in custody since the last six months and that the chargesheet has been filed and no useful purpose will be served by the further incarceration of the applicant.

On behalf of the State, the application is vehemently opposed submitting, inter alia, that the prosecutrix is yet to be examined and that in the FIR and in the statement under Section 164 Cr.P.C. there are allegations of the commission of the offence punishable under Section 12 of POCSO Act.

Without making any observations on the merits or demerits of the case, taking into account the factum of the submissions made in the FIR and the statement under Section 164 Cr.P.C. of the prosecutrix there are allegations against the applicant made by the minor child aged 14 years to the effect that the applicant is her relative i.e. maternal uncle of the minor child who sexually assaulted her which corroborate each other coupled with the factum also that the prosecutrix is yet to be examined during the course of the trial, there is no ground for grant of bail to the applicant.

The application is thus dismissed.

ANU MALHOTRA, J

DECEMBER 13, 2017

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