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

+ **BAIL APPLN. 216/2018**

IMRAN

..... Petitioner

Through : Mr.Vikas Jain, Advocate.

versus

THE STATE NCT OF DELHI

..... Respondent

Through : Mr.Ravi Nayak, APP.

Ms.Seema Gola, counsel for the
complainant.

SI Arvind Kumar, PS Jaitpur.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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12.04.2018

1. The petitioner seeks regular bail under Section 439 Cr.P.C. in case FIR No. 546/2017 registered under Sections 363/376D/344/328 IPC & Section 4 POCSO Act at PS Jaitpur. Status report is on record.
2. I have heard the learned counsel for the parties and have examined the file. Learned counsel for the petitioner urged that the petitioner is in custody since 19.11.2017, mother of the prosecutrix is in the habit of lodging false complaints. Earlier, she had lodged a complaint vide FIR No.127/2017 under Sections 363/366A/376D/34 IPC and Section 6 of POCSO Act in which the petitioner has been kept in column No.12. It is further urged that due to property dispute the present FIR has been lodged.

3. The prosecutrix is below 18 years. In her 164 Cr.P.C. statement, she attributed specific and definite role to the petitioner along with others. The petitioner's wife has also lodged FIR No. 139/2017 under Sections 354/506/508/34 IPC at PS Jaitpur against the prosecutrix' father Chand Mohamad. Nusrat Khan - one of the accused in the present proceedings has also lodged an FIR No.487/2017 dated 21.09.2017 against the prosecutrix' father under Sections 323/354/354B/506/509 IPC. No credible document has come on record to show as to what property dispute exists between the parties.
4. Bail application moved by the petitioner before the Trial Court was got dismissed as withdrawn on 05.01.2018.
5. Considering the gravity of the offence and the serious allegations leveled by the prosecutrix and particularly when her statement has yet not been recorded, no sufficient ground for grant of bail.
6. The bail application is dismissed.

S.P.GARG, J.

APRIL 12, 2018 / tr