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

+ **BAIL APPLN. 1364/2018**

PREM

..... Petitioner

Through: Ms. Inderjeet Sidhu, Adv.

versus

STATE

..... Respondent

Through: Mr. Amit Chadha, APP for State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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26.07.2018

The petitioner seeks regular bail under section 439 Cr.P.C. in case bearing FIR No.961/2014 registered under sections 376D/506/323/363 IPC and section 6 POCSO Act, 2012 at Police Station Madhu Vihar. Status Report is on record.

Earlier in a Bail Application No. 447/2018 by a co-accused, this Court vide order dated 17.04.2018 has held as under:-

“ I have heard learned counsel for the parties and have examined the file. Petitioner’s counsel urged that the statement of the prosecutrix has since been recorded and she has given conflicting and inconsistent versions at different stage of the investigation/trial; her statement cannot be relied upon. The petitioner is in custody since 29th August, 2014.

On perusal of the record, it reveals that there are grave allegations against the petitioner and his associates whereby the prosecutrix a minor was sexually assaulted (gang rape).

In her Court statement the prosecutrix has implicated

the petitioner and others for committing rape upon her. The prosecution has relied upon DNA examination report where sample of one of the accused facing trial before the court has matched. Apparently, the story presented by the prosecutrix cannot be taken as concocted at this stage.

Considering the gravity of the offence, I find no ground for grant of bail to the petitioner.

The application is dismissed.”

The learned counsel for the petitioner states that she would not like to press the petition at this stage and she seeks to withdraw the same with liberty to pursue remedies as may be available in law. However, she states that the trial may be expedited as 14 witnesses are yet to be examined and the next date of hearing before the Trial Court is tomorrow i.e. on 27.07.2018. The learned counsel for the State submits that every endeavour shall be made to have the same expedited and the prosecution's evidence would be recorded by the end of this year. Let it be so done.

In the circumstance, the petition is dismissed as withdrawn.

NAJMI WAZIRI, J

JULY 26, 2018

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