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

+ **BAIL APPLN. 299/2017**

SHANKER

..... Petitioner

Represented by: **Mr. Rajesh Pandey and Mr.
Harish Kuletha, Advocates.**

versus

STATE

..... Respondent

Represented by: **Mr. Amit Gupta, APP for State
with Inspector Rajeev Yadav,
PS Inderpuri.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

07.05.2018

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1. Copy of the statement of the victim has been handed over which is taken on record.
2. By this petition, petitioner seeks bail in case FIR No. 118/2016 under Sections 323/342/34 IPC read with Section 23 Juvenile Justice (Care and Protection of Children) Act, 2000 wherein Sections 377 IPC and Sections 4/12 of Protection of Children from Sexual Offences Act (in short 'POCSO Act) and Sections 66/66A IT Act were added later on.
3. Allegations of the complainant/victim who was aged 16 years was that the petitioner along with co-accused beat him up, made him to sit on a bottle and made a video of the same on the mobile phone.
4. The petitioner is in judicial custody since 26th May, 2016 and charge sheet was submitted on 25th July, 2016. The victim has since been examined in the Court. From the mobile phone a video files extracted by the FSL were

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sent in a compact disk. From this disk nothing could be played as the same was found broken. Hence, another CD which was available on the police file has been sent to the FSL for opinion.

5. Victim has since been examined. Liberty has been granted to the prosecution that in case positive FSL report is received, the victim can be recalled for examination. MLC of the victim has been placed on record. As per the MLC victim was first taken to the hospital on 26th May, 2016 at 4.30 AM when no external injury was observed and thus the injury was opined to be simple in nature. However, he was again taken to hospital on 27th May, 2016 for examination.

6. Considering the nature of evidence and the fact that the petitioner has been in custody for the last nearly two years and the victim has since been examined, this Court deems it fit to grant bail to the petitioner. It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the learned Trial Court, further subject to the condition that in case of change of residential address of the petitioner the same will be intimated to the court concerned by way of an affidavit.

7. Petition is disposed of.

8. Order dasti.

MUKTA GUPTA, J.

MAY 07, 2018

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