

\$~6

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

+ **BAIL APPLN. 447/2018**

ANIL @ ANDLA

..... Petitioner

Through: Mr. Prem Chand Ganganiya, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Ravi Nayak APP for State.

W/SI Madhvi Bisht, PS Madhu Vihar.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

%

17.04.2018

1. The petitioner seeks regular bail under Section 439 Cr.P.C. in case FIR No. 961/14 registered under Section 376D/506/323/363IPC and Section 6 POCSO Act at Police Station Madhu Vihar. Status report is on record.

2. 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 stages of the investigation/trial; her statement cannot be relied upon. The petitioner is in custody since 27th August 2014.

3. 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).

4. 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.

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

6. The application is dismissed.

S.P.GARG, J.

APRIL 17, 2018/p