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

+ **CRL.A. 344/2018 & CRL.M.(BAIL) 490/2018**

PANKAJ SAXENA

..... Appellant

Through Mr. K.C. Mittal, Mr. Yugansh Mittal,
Ms. Ruchika Mittal, Mr. Amit
Prakash Shashi, Advs.

versus

STATE

..... Respondent

Through Mr. Kewal Singh Ahuja, APP for
State with SI Neeraj Kumar PS New
Ashok Nagar.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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18.04.2018

CRL.A. 344/2018 & CRL.M.(BAIL) 490/2018

In view of the submissions that have been made on behalf of either side, the appeal is admitted for hearing.

The nominal roll has been received. The status report stated to have been submitted, copy thereof now has been submitted on behalf of the State dated 07.04.2018.

Vide the present application under Section 389 of the Code of Criminal Procedure, 1973, the applicant seeks suspension of conviction under judgment dated 30.01.2018 and order on sentence dated 31.01.2018 passed by learned ASJ, East District, Karkardooma Courts, Delhi in S.C. No. 73/14 arising out of FIR No. 664/13, PS New Ashok Nagar, under Section 354A of the Indian Penal Code, 1860 and Section 10 of the POSCO Act.

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Arguments addressed on behalf of either side.

It has been submitted on behalf of the applicant that he has been falsely implicated in the instant case. Reliance has been *inter alia* placed on behalf of the applicant on the Committee report of the school where the alleged incident is alleged to have taken place which is to the effect that there were CCTV cameras installed and reliance is also placed on behalf of the applicant on the statements of the victims no. 1, 2 & 3 in question to contend that as per testimonies also there was a CCTV footage available and as per the committee report of the school in question, the CCTV footage did not indicate anything against the applicant.

On behalf of the State, the learned APP for the State has placed reliance on the statements of the 3 victims and the complainant to contend that there were no scope of false implication and there are no reasons as to why the children or the complainant in any manner shall falsely implicate the applicant. Reliance is also placed on behalf of the State on the testimonies of PW9 & PW10, the constable and the Investigating Officer respectively to contend that there was no CCTV footage at the spot of the occurrence, in relation to which it has been submitted on behalf of the applicant that the testimonies of the children are in wholly categorical stating to the effect that there was a CCTV footage available.

The Trial Court Record has been received. Ex.PW10/B placed on record of the Trial Court Record is the site plan showing the place of the occurrence in which there is no investigation that has been conducted in

relation to the factum that CCTV footage was installed there or not.

Without any observations on the merits or demerits of the case, nor on the evidence led, nor the adjudication before the learned Trial Court and taking into account the factum that there are no previous adverse antecedents against the applicant till the pendency of the appeal, the applicant is allowed to be released on bail subject to the appellant furnishing a personal bond in the sum of Rs.1,00,000/- with one surety of the like amount to the satisfaction of the learned Trial Court and subject to the conditions that he shall not leave the country without the permission of the learned Trial Court, shall not intimidate the witnesses in any manner, shall not make any contact with the victims and the complainant and shall not commit any offence whatsoever. In the event of any FIR or complaint lodged against the applicant during the pendency of the appeal, the State would bring it to the notice of the Court forthwith.

The CRL.M.(BAIL) 490/2018 is disposed of accordingly.

The CRL.A. 344/2018 be re-notified in the category of 'Regulars' in due course.

Copy of the order be given Dasti under the signatures of the Court Master.

ANU MALHOTRA, J

APRIL 18, 2018/MK

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