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

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Judgment delivered on: 07.05.2018

+ BAIL APPLN. 599/2018

RAMKISHAN@SONU

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

or the Petitioner : Mr Siddhant Gautam

For the Respondent : Mr Mukesh Kumar, Addl. PP for the State
W/SI Nisha, PS Mehrauli.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

07.05.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks bail in FIR No.279/2017 under Sections 363/376 IPC and Section 6 of the POCSO Act, Police Station Mehrauli. Petitioner has been in judicial custody since 14.06.2017.
2. The allegations against the petitioner are that the petitioner and prosecutrix are known to each other and the petitioner had picked up the prosecutrix at about 7.15 p.m. to take her to attend a birthday party of a friend of petitioner. Thereafter, he had taken her to a flat and made physical relations with her against her wishes. The accused is

thereafter alleged to have dropped the prosecutrix back at her house at 8.27 A.M. the following day.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and the Call Detail Record, available on record, shows that the petitioner and the prosecutrix were together only for a very short period and for the remaining period, their respective Cell location shows that they were at different places.

4. It is further submitted that as per the allegation of the prosecutrix, her mobile phone as well as sim card was taken by the petitioner in the evening itself. However the Call Detail Records show that she was in conversation with several peoples including the petitioner several times between 8 in the night till the following morning, which shows that the allegations are false.

5. It is submitted that the testimony of the prosecutrix has already been recorded before the Trial Court and there is no possibility of influencing her. The Trial Court Record has been received and the testimony of the prosecutrix recorded before the Trial Court has also been seen.

6. Without commenting on the merits of the case, perusal of the record shows that the petitioner has made out a case for grant of bail.

7. In view of the above, it is directed that the petitioner shall be released on Bail on furnishing a bail bond in the sum of Rs.25,000/-

with one surety of like amount to the satisfaction of the Trial Court, if not required in any other case. The petitioner shall not do anything, which shall either prejudice the investigation or any of the prosecution witnesses. The petitioner shall not leave the country without permission of the Trial Court. The petitioner shall not make any endeavour to contact the prosecutrix or her family members.

8. The Petition is accordingly disposed of in the above terms.

9. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

MAY 07, 2018/SP

न्यायमेव जयते