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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 633/2018 & CRL.M.A. 5334/2018**
HASHPINDER SINGH @ GAGAN Petitioner
Through Mr. Sanjay Mishra, Mr. Prabhu
Singh, Advs.

versus

THE STATE (GOVT OF NCT OF DELHI) Respondent
Through Mr. Ashish Dutta, APP for State with
SI Sudhir Rathee, PS Hari Nagar.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

% **ORDER**
06.04.2018

The status report has been submitted on behalf of the State.

The statement of the minor child aged 10 years recorded u/s 164 of the Criminal Procedure Code, 1973 indicates and it is also submitted on behalf of the State that the minor child is now in the Don Bosco Asylum, Palam Village, Delhi.

On behalf of the applicant, it has been submitted that the alleged commission of offences punishable under Sections 342/323/374/34 of the Indian Penal Code, 1860 are bailable, which is undoubtedly correct. However allegations against the applicant also relate to the alleged commission of the offences punishable under Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and in terms of the Section 86 (2) thereof, the said offence punishable under Section 75 of the said enactment becomes non-bailable in as much as under the proviso of

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Section 86(2), the offences punishable under the Juvenile Justice (Care and Protection of Children) Act, 2015 offences punishable with imprisonment for a term which may extend to three years of imprisonment are cognizable and non-bailable and in terms of second proviso to Section 75, if such offence is committed by any person employed by or managing an organization, which is entrusted with the care and protection of the child, he shall be punished with rigorous imprisonment which may extend up to five years, and fine which may extend up to five lakhs rupees.

The said offence alleged against the petitioner is thus undoubtedly non-bailable.

Without any observations on the merits or demerits of the case and on a perusal of the statement of the minor child aged 10 years recorded by learned MM-01 (NI Act) under Section 164 of the Code of Criminal Procedure, 1973, there is no ground for grant of anticipatory bail to the applicant. The application is declined.

ANU MALHOTRA, J

APRIL 06, 2018/MK