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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 703/2018 & CRL.M.A. 5841/2018
MOHD MUNNA Petitioner
Through Mr. S.K. Rai, Adv.

versus

SATTE OF NCT OF DLEHI Respondent
Through Mr. Kamal Kr. Ghei, APP for State
with SI Yakub Khan PS Kapashera.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **22.05.2018**

Status report is on record.

Arguments addressed on behalf of either side.

On behalf of the applicant, it has been submitted that the applicant has been falsely implicated in the instant case.

The report of the AIIMS also mentions the alleged history of sexual assault. It has also been submitted on behalf of the applicant that the DD entry, which was initially registered mentioned the rape of a 15 years old child whereas as per the averments of the mother of the victim, the child is aged 5 years.

On behalf of the State *inter alia* reliance has been placed on the report of the AIIMS and it has also been submitted that the child was of tender age. Placed on record with the application itself is the medical analysis report

BAIL APPLN. 703/2018

page 1 of 2

that has been submitted as conducted of the minor child aged 5 years by the Senior Resident of Department of Forensic Medicine & Toxicology, which gives the local examination (anal region) in knee elbow position of the child which also points *inter alia* to the effect that there was a pain and tenderness present at peri-anal and anal region during examination, fecal staining was present over the perianal region, a contusion reddish in colour size 1 x 0.3 cm was present at 11 o'clock position and anal-parianal region and reddish colour abrasion was present around and sphincter and no scar / skin tag was present over the anal margins and reddening of anal mucosa was present and it was opined that there were signs suggestive of insertion of penis or penis like object into the anal canal.

Placed on record is also the statement under Section 164 of the Code of Criminal Procedure, 1973 of the minor child and there are similar averments and allegations against the applicant therein as well as indicated through the FIR.

Without any observations on the merits or demerits of the case, on a consideration of the documents on record, there is no ground for grant of bail. The application is rejected.

ANU MALHOTRA, J

MAY 22, 2018/MK