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

+ **BAIL APPLN. 735/2018**

PANKAJ KUMAR

..... Petitioner

Represented by: Mr.Samrat Nigam, Mr.Pradeep
Kumar, Mr.Shyam Kumar and
Mr.Deepak Lohchab, Advocates

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Represented by: Mr.Amit Gupta, APP for the State
with SI Gajender, PS Alipur

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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27.04.2018

1. By this petition, the petitioner seeks anticipatory bail in case FIR No.132/2018 under Section 306 IPC and Section 12 of the Protection of Children from Sexual Offence Act, 2012 (in short 'POCSO Act') registered at PS Alipur.

2. The abovenoted FIR was registered on the complaint of father of the deceased who stated that he had been residing on rent for the last 30 years in Delhi and working as a labourer in the farms. He had three children, an elder son aged 19 years, a daughter aged 17 years and one more son aged 16 years. His wife was also working. His daughter was studying in 12th standard and was giving board examination. The next examination was scheduled for 2nd April, 2018. One Mayank @ Golu Chahuhan, son of the

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present petitioner was resident of the village and used to come to their house. Mayank used to take their daughter every day for running on the pretext that he would get him appointed in police. On 21st March, 2018, his wife informed him that Mayank @ Golu Chauhan on the pretext of taking their daughter for running used to misbehave with her. This fact was confirmed by his daughter. Then he along with his wife and daughter went to the house of Mayank @ Golu Chauhan in the morning, where father of Mayank @ Golu Chauhan met them. When he made complaint of Mayank @ Golu Chauhan to his father i.e. the petitioner herein, he did not listen to them and drove him, his wife and children out of the house. On this, he with his wife and daughter came back to their residence and he asked his wife and children to vacate the house and shift to another village. Since his daughter was upset as there were 12th Board Examination and she was under stress, on 23rd March, 2018 at 9:00 AM when he came back home after lunch, he found that the door of the room was closed. He knocked the door but none opened. Then he peeped from the window and saw that his daughter was hanging from the fan.

3. A suicide note has also been left by the deceased wherein she was upset due to the harassment caused to her by the boys and the fact that due to her, house had to be vacated.

4. Statement of the complainant was also recorded under Section 164 Cr.P.C. wherein he reiterated allegations made in the FIR and alleged that when he along with his wife and daughter went to make the complaint of Mayank to his parents, Mayank's grandfather, father, mother and sister pushed them to their tenanted room.

5. Thus, the only allegation against the petitioner is that when the complainant along with his daughter and wife went to complain about Mayank @ Golu Chauhan, petitioner did not listen to the complainant and pushed the complainant, his daughter and wife.

6. Considering the nature of allegation against the petitioner and without expressing any opinion as to whether not listening to the complaint against his son and pushing the complainant and his family out of the house which incident happened on 21st March, 2018 would amount to abetment of suicide which took place on 23rd March, 2018, this Court deems it fit to grant anticipatory bail to the petitioner. Consequently, in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety bond of the like amount subject to the satisfaction of the Arresting Officer/SHO concerned further subject to the condition that he will join the investigation as and when directed and in case of change of address, the same will be intimated to the Court concerned.

7. Petition is disposed of.

8. Copy of this order be given dasti to learned counsel for the petitioner under signatures of the Court Master.

MUKTA GUPTA, J.

APRIL 27, 2018

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