

15# \$~

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

+ **BAIL APPLN. 818/2018**

ASLAM ANSARI

..... Petitioner

Represented by: **Mr. C.K. Sharma and Ms.
Pooja Rai, Advocates.**

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: **Mr. Ashok K. Garg, APP for
State with SI Kamlesh, PS
Sagarpur.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

31.07.2018

%

1. By this petition, the petitioner seeks bail in case FIR No.94/2017 under Section 363/366/376(2)(1) IPC and Section 4 of the Protection of Children from Sexual Offences Act (in short 'POCSO Act') registered at PS Sagar Pur, Delhi.

2. The above noted FIR was registered on the complaint of the father of the prosecutrix under Section 363 IPC initially stating that his daughter aged 15 years left the home at about 11.00 AM and had not returned till evening. He also found the petitioner who was living near their house missing from his house. Thus he suspected that the petitioner had run away with his daughter.

3. On 13th April, 2017 father of the victim informed the Investigating Officer that his daughter had informed through mobile phone that she was coming to Ludhiana with the petitioner. On this report the complainant and

BAIL APPLN. 818/2018

Page 1 of 3

the staff reached Ludhiana Railway Station where they met the girl along with her uncle and the petitioner at GRP Police Station. The girl and the petitioner were brought to Delhi and medical examination of the girl was conducted.

4. In the MLC on the basis of the statement given by the victim herself it was noted that she had eloped with her male friend and an FIR had been filed by the father at 7.40 PM, patient went to Amritsar with a guy/male friend on the same day, stayed in a hotel till 13th April, 2017 at 4.00 PM and left for Ludhiana at 4.30 PM. The patient was found at about 11.30 PM at the railway station. According to the patient nothing wrong happened to her. She was not sexually and physically abused. But she was forcibly taken by the male friend but nothing went wrong. Subsequently, statement of the victim under Section 164 Cr.P.C. was recorded wherein she stated that she had been called by the petitioner and when she refused to go along with him, he threatened her so she accompanied him and the petitioner established physical relationship with her at Amritsar. Thus Section 376 IPC and Section 4 of the POCSO Act were added to the investigation. After the charge sheet has been filed the victim has been examined in Court wherein she stated that when she went to meet the petitioner he stated that in case she did not accompany him he would die, so she went with him. She also reiterated her allegations of physical relationship at Amritsar.

5. Having perused the statement given by the prosecutrix in the MLC and under Section 164 Cr.P.C. and subsequently her deposition in Court coupled with the fact that the petitioner is in custody since 13th April, 2017 and the material witnesses of the prosecution have already been examined

and the trial is likely to take some time, this Court deems it fit to grant bail to the petitioner. It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court, further subject to the condition that in case of change of residential address the petitioner will intimate the same to the learned Trial Court by way of an affidavit.

6. Petition is disposed of.

7. Order dasti.

MUKTA GUPTA, J.

JULY 31, 2018

‘vn’