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

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Judgment delivered on: 11.09.2018

+ **BAIL APPLN. 1177/2018**

ABHISHEK

..... Petitioner

versus

STATE (NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr Sumit Kumar, Mr. Ranjan Kumar and Mr. Prakash Kashyap, Advs.

For the Respondent : Ms Neelam Sharma, Addl. PP for the State with SI Pooja

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

11.09.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks regular bail in case FIR No. 84/2018 under Section 376/376(2)/417 of the IPC read with Section 6 of the POCSO Act, Police Station New Ranjit Nagar, Delhi.

2. The allegations in the FIR are that the prosecutrix was a friend of the petitioner. It is alleged that the petitioner, about 3-4 years prior to the registration of the FIR, made physical relationships with her without her consent. Prosecutrix on the date of the registration of the

FIR was about 20 years of age.

3. It is alleged that thereafter they became friends and the relations continued for about 3-4 years. It is further alleged that she was in love with the petitioner and thereafter they made physical relationship several times. The petitioner is also alleged to have promised to marry her. It is further contended that the prosecutrix became pregnant sometime in March, 2017. Subsequently, it is alleged that on petitioner administering some medicine, the child aborted.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He further submits that the allegations – ‘physical relationships for about 4 to 5 years ago’ is an after-thought and have been levelled only to implicate the petitioner in an offence punishable under POCSO. He submits that from the reading of the FIR there is nothing to suggest that the petitioner used force on her the incident is also alleged to be four years old. He further submits that the prosecutrix herself contends that she had a consensual relationship with the petitioner. He further submits that the complaint was made and the FIR was registered when the prosecutrix was aged 20 years. He further submits that there is no medical evidence to substantiate the allegations that prosecutrix was pregnant or that she aborted the child.

5. He further submits that the statement of the prosecutrix has now

been completed and she has already been cross-examined and apart from the her oral testimony there is nothing to substantiate the commission of subject offence.

6. Prosecution has cited 10 witnesses out of which only one witness has been examined. Trial is likely to take some more time. The petitioner has been in custody since 16.03.2018.

7. 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.

8. Accordingly, subject to the petitioner furnishing a bail bond in the sum of Rs.25,000/- with two sureties each of the like amount to the satisfaction of the Trial Court, the petitioner shall be released on Bail, if not required in any other case. The Petitioner shall not do anything, which may prejudice either the trial or the prosecution witnesses. The petitioner shall not attempt to contact the prosecutrix or her family. The petitioner shall not leave the country without prior permission of the trial court.

9. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

SEPTEMBER 11, 2018

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