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

% Judgment delivered on: 03.07.2018

+ **BAIL APPLN. 1294/2018**

SOHAN KUMAR @ SONU TOMAR Petitioner

versus

THE STATE Respondent

Through

Advocates who appeared in this case:

For the Petitioner : Mr Gaurav Kochar and Mr Dollar Jain.

For the Respondent : Ms. Neelam Sharma, APP for the State.
SI Mnisha, PS Hazarat Nizamuddin.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

03.07.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.255/2017 under Sections 354D/323/341 IPC & Section 12 of POCSO Act.

2. Learned counsel for the petitioner submits that petitioner has been falsely implicated.

3. As per the allegations in the FIR, the petitioner is alleged to have stalked the complainant and followed her on the said date, i.e. on 07.11.2017 at about 5.15 in the evening.

4. It is alleged in the FIR that the petitioner followed her and asked her to marry him. When she refused, she was beaten with a stick and thereafter the petitioner ran away.

5. As per the statement given under Section 164 of the Code of Criminal Procedure (Cr.P.C.), the complainant has stated that the petitioner snatched her mobile phone and made a call to his own number.

6. Learned counsel for the petitioner submits that there was friendship between the petitioner as well as the complainant for the last four years and the complaint has been lodged at the behest of her parents. He further submits that the Call Details Record (CDR) obtained by the Investigating Officer shows that even after the incident as late 9 pm in the evening of 07.11.2017 and on the following day, i.e. on 09.11.2017, there were calls made by the complainant to the phone of the petitioner, lasting in one instance for 1105 seconds.

7. Learned Additional Public Prosecutor for the State, under instructions from the Investigating Officer, confirms that the mobile phone of the complainant is with her and there is no complaint that the said is in possession of the petitioner.

8. Petitioner has been in custody since 09.11.2017.

9. Keeping in view the totality of the facts and circumstances of

the case and without commenting on the merits of the case, perusal of the record shows that the petitioner has made out a case for grant of regular bail.

10. Accordingly, the petitioner is granted bail. Subject to petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety 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. Further, it is directed that the petitioner shall not do anything, which may prejudice either the investigation or the prosecution witnesses. The petitioner shall not make any endeavour to contact the complainant or her family members.

11. The Petition is disposed of in the above terms.

12. Order Dasti under the signatures of the Court Master.

SANJEEV SACHDEVA, J

JULY 03, 2018

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