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

+ **BAIL APPLN. 1679/2018**

ARUN KUMAR

..... Petitioner

Represented by: Mr. Sushil K. Sharma and Mr.
R.L. Sinha, Advocates.

versus

THE STATE

..... Respondent

Represented by: Mr. Ashok K. Garg, APP for
State.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

20.09.2018

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1. By this petition, petitioner seeks bail in case FIR No. 1153/2014 under Sections 363/367/376 IPC and Section 6 of the Protection of Children from Sexual Offences Act (in short 'POCSCO') registered at PS New Ashok Nagar, New Delhi.

2. The above noted FIR was registered on the complaint of father of the victim girl on 2nd October, 2014 under Section 363 IPC when the complainant alleged that his 17 years old daughter had been kidnapped by some unknown person when she went to the house of a friend for some work on 1st October, 2014 at about 12.00 PM. Later, on 22nd November, 2014 the victim was recovered from Bulandhsehar, Uttar Pradesh. The victim gave no history of physical assault but stated that sexual intercourse took place between them on their free will and that she had married the petitioner on 21st October, 2014 and that she was living happily in her in-laws house

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when the police recovered her from there. She stated that she had married the petitioner of her own free will and everybody including the petitioner and his family members were good to her and took good care of her. These facts have been reiterated by her in her examination-in-chief as well as cross-examination.

3. Learned counsel for the petitioner contends that though the prosecution claims the prosecutrix is a minor being 17 years old at the time of alleged incident however, the certificate from the school is not based on any substantive document to show that the right date of birth was noted in the school record.

4. Considering the fact that the prosecutrix has already been examined in Court, 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 bond 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.

5. Petition is disposed of.

6. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 20, 2018
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