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

+ **BAIL APPLN. 1805/2018**

SHAMAS TABREZ

..... Petitioner

Represented by: Mr. Zulfiqar Ali Khan, Mr. Rizwan
Ahmad Durrani, Mohd. Israr Khan,
Advts.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP with
WSI Vinita PS Sadar Bazar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

15.11.2018

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By this petition the petitioner seeks bail in case FIR No. 70/2018 under Sections 376/363/365/342/506/ IPC and Section 6 of the Protection of Children from Sexual Offences Act (in short the POCSO Act).

Learned counsel for the petitioner submits that the petitioner has been falsely implicated. Even as per the case of the prosecutrix, the petitioner and the prosecutrix were having a love affair and she had accompanied the petitioner of her own free will and established relationship. The petitioner is also a young boy aged 22 years and cannot be singled out and punished for the offence.

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FIR No.70/2018 under Section 363 IPC was registered on 2nd April, 2018 when the mother of the prosecutrix lodged a complaint about her missing. Thereafter the complainant along with the prosecutrix and the appellant appeared on 12th April, 2018 whereafter statement of the prosecutrix was recorded under Section 164 Cr.P.C. The prosecutrix has since been examined before the Trial Court wherein she stated that she was a consenting party. However, the consent of the prosecutrix was immaterial for the reason she was a minor at the time of alleged incident being less than 16 years of age. Hence, prima facie even on the statement of the prosecutrix case for offence punishable against the petitioner is made out.

Be that as it may, the prosecutrix the main witness has already been examined and trial is likely to take some time. Thus, 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 address the petitioner will intimate the same to this Court by way of an affidavit.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 15, 2018
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