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

+ **BAIL APPLN. 1859/2018**

VEER KUMAR

..... Petitioner

Represented by: Mr. R.P. Srivastava, Mr. R.C. Bhagat,
Mr. S.K. Singh and Mr. Abhishek
Mishra, Advocates.

versus

STATE (N.C.T. OF DELHI)

..... Respondent

Represented by: Mr. Ashok K. Garg, APP for State
with SI Jasmer Singh, PS
Jahangirpuri.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

20.11.2018

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1. By this petition, petitioner seeks bail in case FIR No. 452/2017 under Sections 376/328 IPC and Section 6 of Protection of Children from Sexual Offences Act (in short 'POCSO Act') registered at PS Jahangirpuri, Delhi.
2. In her deposition, the victim had stated that few days ago she had gone to buy some articles from the shop which was close to the house of bade uncle, whose name she knew was Veer Kumar. The said uncle lured her for giving money and caught hold of her. Thereafter he put one tablet in the water and after consuming the water, she fell unconscious. Thereafter she did not know what happened and Veer Kumar left her at the Gurudwara. She was feeling pain in the place of urination. She complained the same to an aunty in the Gurudwara who called her parents and they were taken to the police station.

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3. As per the FSL report, no semen was detected in the exhibits seized by the doctor and thus no DNA examination was got conducted. It is well settled that for commission of an offence of rape, presence of semen is not necessary. However, as noted above, version of prosecutrix is based on what she felt and apprehended after she got conscious.
4. Considering the fact that the petitioner has been now in custody for more than one year and the material witnesses have been examined, 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 same will be intimated to the Court concerned by way of an affidavit.
5. Petition is disposed of.
6. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 20, 2018
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