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

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Judgment delivered on: 11.10.2018

+ Bail Application No.1995/2018

JATIN SETHI

..... Petitioner

versus

STATE (NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Lokesh Kumar Mishra & Mr. Himanshu
Sharma, Advocates.

For the Respondents : Mr. Raghuvinder Verma, APP for the State with
SI Sangita Tiwari, PS Ghazipur.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

11.10.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. No.34174/2018

1. By this application, the petitioner seeks amendment of the prayer clause to incorporate Section 328 IPC.

2. Learned counsel submits that initially the FIR was registered only under Section 354A/354D/506 IPC and Section 8 POCSO Act. Subsequently during investigation in these proceedings, it was informed that Section 328 IPC has been added.

3. For the reasons stated in the application, the application is

allowed. Reference in the Prayer paragraph to the FIR shall read as “*under Section 354A/354D/506/328 IPC and Section 8 of POCSO Act.*”

4. Application is allowed in the above terms

Bail Application No.1995/2018

1. Petitioner seeks regular bail in FIR No.380/2018 registered under Sections 354A/354D/506/328 IPC and Section 8 of POCSO Act, Police Station Ghazipur.

2. The allegations against the petitioner are that the petitioner was known to the prosecutrix for over two years having been introduced through a common friend. It is alleged that the petitioner initially instigated and threatened her to start smoking and consume alcohol. It is contended that the petitioner used to threaten her that in case she would not smoke or take alcohol, he would cause harm to her as well as to her brother.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that there is material *inter alia* social media conversations between the parties where the petitioner has been telling the prosecutrix not to consume alcohol etc., as the same is harmful to her. He submits that he has been falsely implicated as there was constant demand for money from the petitioner. It is informed that the petitioner is of a tender age of 21

years.

4. Learned APP for the State informs that investigation is complete and charge sheet has been filed. He submits that the only material against the petitioner is the statement of the prosecutrix and her mother. On inquiry, he has informed that during investigation no independent witness has stated anything incriminating against the petitioner.

5. The petitioner has been in custody since 13.08.2018.

6. Without commenting on the merits of the case and on perusal of the record, I am satisfied that the petitioner has made out a case for grant of regular bail. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.15,000/- 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. The petitioner shall not do anything, which may prejudice either the trial or the prosecution witnesses. Petitioner shall not contact the prosecutrix or her family.

7. The bail application is disposed of in the above terms.

8. Order *dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J.

OCTOBER 11, 2018/‘AA’