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

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Judgment delivered on: 16.11.2018

+ BAIL APPLN. 2016/2018

DILSHAD @ MONI & ORS.

..... Petitioners

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. M.N.Dudeja, Adv.

For the Respondent : Ms.Kusum Dhalla, APP with SI Poonam Tomar,
P.S.Geeta Colony.

Mr.Sitab Ali Chaudhary, Adv. for the complainant.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

16.11.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Ms. Anu Narula, Advocate has been appointed by Delhi High Court Legal Service Committee. The prosecutrix who is present in Court in person submits that she has engaged private counsel – Mr. Sitab Ali Chaudhary, Advocate who is also present in Court.

2. In view of the fact that the prosecutrix has appointed a private counsel, Ms. Anu Narula, Advocate, appointed by DHCLSC is discharged.

3. Petitioners seek anticipatory bail in FIR No.246/2018 under

Sections 323/354D/506/34 IPC read with Section 12 POCSO.

4. The allegations in the FIR are that the petitioners had followed the prosecutrix and thereafter slapped her, held her hand with the intention of coercing her mother to vacate the property.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated. Further, he contends that the allegations in the FIR specifically state that no obscene conduct was done by the petitioners. He submits that sections of IPC are all bailable and offence under Section 12 POCSO is not made out as there are no allegations that the alleged conduct of the petitioners was with any sexual intent so as to satisfy the requirements of Section 11 POCSO.

6. Further, learned counsel for the petitioners submits that the alleged incident is of 19.03.2018 and the complaint has been lodged on 07.08.2018 and there is an unexplained delay in lodging of the complaint.

7. Petitioners were granted interim protection by order dated 29.08.2018 subject to joining investigation.

8. Status report has been filed which confirms that the petitioners did join investigation. Status report further shows that the investigation is complete and charge sheet without arrest has already been filed.

9. Learned counsel appearing for the complainant submits that the

prosecutrix who is a minor is apprehensive for her well being.

10. Keeping in view the facts and circumstances of the case and also the fact that the petitioners had joined investigation and investigation is complete and charge sheet has already been filed, I am of the view that petitioners have made out a case for grant of bail.

11. Accordingly, it is directed that on each of the petitioners furnishing a bail bond in the sum of Rs. 10,000/- each with one surety each of the like amount to the satisfaction of the Trial Court, the petitioners shall be released on Bail.

12. Investigating Officer is directed to provide her personal mobile number to the mother of the prosecutrix who may contact the Investigating Officer in case there is any apprehension. Further the SHO of P.S. Geeta Colony is directed to ensure that a lady constable keeps regular touch with the mother of the prosecutrix to ensure that there is no apprehension of fear.

13. Petition is disposed of in the above terms.

14. Order *Dasti* under signatures of the Court Master

NOVEMBER 16, 2018
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SANJEEV SACHDEVA, J