

\$~7

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 2138/2018
MOHAMMAD SHAHTAZ Petitioner
Through: Mr. Sanjiv Sharma, Adv.
versus
STATE (NCT OF DELHI) Respondent
Through: Dr. M.P. Singh, APP for State with SI
Dinesh Kumar, P.S. Jamia Nagar.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **11.10.2018**

Learned counsel for the petitioner submits that incident took place on 09.10.2015, however, statements of the victim (a minor boy) under Section 161 Cr.P.C. and Section 164 Cr.P.C were recorded after more than six months, that is, on 04.05.2016 and 05.05.2016 respectively. Learned counsel further submits that victim was staying in the Madarsa. He attempted to jump from the wall of the Madarsa in the past as well but was caught by the guard. Parents of the victim were called and they assured that the victim would not repeat this act in future. It is further submitted that statements of independent witnesses, that is, students, guards and teachers have been recorded and they have not stated anything adverse against the petitioner. It is further submitted that child has not categorically stated that petitioner had sodomised him. Petitioner is in custody for more than 3

months. It is prayed that he may be admitted to bail.

Keeping in view the totality of the facts and circumstances of this case, petitioner is admitted to bail subject to his furnishing a personal bond in the sum of ₹25,000/- with one surety in the like amount to the satisfaction of the trial court.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

OCTOBER 11, 2018

ga