

\$~9

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

%

Judgment delivered on: 24.09.2018

+ BAIL APPLN. 2051/2017

UPENDRA KUMAR

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr.Rajeev Chhetri, Adv.

For the Respondent: Ms.Neelam Sharma, APP for the State
with SI Sanjeev, P.S.Mayur Vihar.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

24.09.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No.248/2017 under Section 376/506 of the IPC and Sections 6/17/21 of the POCSO Act, P.S. Mayur Vihar.

2. The allegations in the FIR against the petitioner are that when the alleged offence was being committed by his brother at the rooftop, he came to roof, observed what was happening and thereafter left. It is contended that petitioner did not inform or object to the commission of the offence by the co-accused.

3. Learned counsel for the petitioner submits that the petitioner has

been falsely implicated and even if the allegations were to be taken at their face value, at best an offence under Section 21 POCSO Act could be made out and no offence for abetment can be made out.

4. Petitioner was granted interim protection by order dated 13.04.2018 subject to petitioner joining investigation.

5. Learned APP informs that petitioner did join investigation. The investigation is complete and charge sheet has already been filed.

6. Without commenting on the merits of the case and keeping in view the facts and circumstances of the case, I am of the view that petitioner has been able to make out a case for grant of anticipatory bail.

7. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on his furnishing a bail bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioner shall not do anything that may prejudice either the trial or the prosecution witnesses. Petitioner shall not leave the country without the permission of the Trial Court.

8. The Petition is disposed of in the above terms.

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

SANJEEV SACHDEVA, J

SEPTEMBER 24, 2018

rk