

\$~17

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2220/2017**
SHRI KRISHAN SHAH Petitioner
Through Counsel for the petitioner (appearance
not given)
versus

THE STATE GOVT OF NCT OF DELHI Respondent
Through Mr. Ashish Dutta, APP for State with
SI Sanjeev Choudhary, PS Vasant
Kunj (S)

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **22.01.2018**

Pursuant to the proceedings dated 18.12.2017, the statement u/s 164 of the Criminal Procedure Code, 1973 of the prosecutrix has been put up by the State.

Submissions made on behalf of either side.

On behalf of the petitioner reliance is placed on the MLC No. 1184 of the Safdarjung Hospital to contend that the mother of the prosecutrix and the prosecutrix have denied any history of sexual / physical abuse and do not want any gynae examination and thus it has been submitted that the allegations levelled against the petitioner are false and fabricated.

On behalf of the State, reliance has been placed on the statement u/s 164 of the Criminal Procedure Code, 1973 and the FIR and the recording of the statement of the father of the prosecutrix.

Without any observations on the merits or demerits of the case, on perusal of the statement u/s 164 of the Criminal Procedure Code, 1973 of the

prosecutrix, aged 8 years and the FIR which in sum and substance are in relation to the similar submissions in relation to the petitioner / applicant allegedly having put his hands into the under garments of the minor child, aged 8 years, there is no ground whatsoever for grant of bail despite the submissions made on behalf of the petitioner that the petitioner has been incarcerated for almost one year. The application is thus declined.

ANU MALHOTRA, J

JANUARY 22, 2018/MK