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

+ BAIL APPLN. 2821/2018 and Crl. M.A. no. 48428/2018

NASIR @ NAZAR HUSSAN Petitioner
Through Mr. Ravinder Tyagi and Mr. Gaurav
Bhushan, Advs.

versus

STATE Respondent
Through Ms. Neelam Sharma, APP with SI
B.S. Meena, P.S. Kotwali

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

ORDER
% **30.11.2018**

The prosecutrix, a minor, has categorically alleged in the FIR as well as in her statement under Section 164 Cr.P.C. that petitioner had sex with her forcibly on more than one occasion. She became pregnant. Prosecutrix has supported her version in her statement recorded in court.

Learned counsel for the petitioner submits that prosecutrix has taken inconsistent stand at different stages of investigation and trial. In her statement under Section 164 Cr.P.C., she stated that it was on 3 /4 occasions petitioner established sexual relation whereas in court she stated that accused used to perform sexual intercourse on alternate days. He further

submits that DNA of the placenta tissue did not match with that of the petitioner.

Learned APP submits DNA could not be matched as blood had degraded. However, trial court has now directed for taking blood sample of petitioner. Statement of the prosecutrix cannot be meticulously examined at this stage to comment upon the veracity of her version. DNA is again going to be examined. Broadly speaking, prosecutrix has supported the prosecution version and has been consistent on material points. Needless to state that this is the prima facie view formed only for the purposes of disposal of this bail application.

Keeping in view the totality of the facts and circumstances of this case, I am of the view that no case is made out for admitting the petitioner on bail.

Bail application is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

NOVEMBER 30, 2018
r.bararia