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

+ BAIL APPLN. 2354/2017 and CrI. M.B. No. 2039/2017 (interim bail)

YOGESH

..... Petitioner

Represented by: Mr. S.S.Tripathy and Mr.Vinay
Verma, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Represented by: Ms. Kusum Dhalla, APP for
State with SI Suresh Kumar, PS
Ambedkar Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

14.03.2018

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1. By this petition the petitioner seeks anticipatory bail in case FIR No.317/2016 under Sections 363/376 IPC and Section 6 of the Protection of Children from Sexual Offences Act (in short 'POCSO Act') registered at PS Ambedkar Nagar, New Delhi.

2. Complaint was lodged by the mother of the prosecutrix on 28th May, 2014 that her daughter aged 17 years had left home on 14th May, 2014 and her whereabouts were not known. Later she came to know that one boy namely Yogesh, who was residing at house No. C-213, Dakshinpuri, New Delhi was also missing. Thus she doubted that Yogesh had abducted her daughter. On the subsequent statement, FIR No. 317/2014 under Section 363 IPC was registered on 25th August, 2014.

3. On 30th September, 2015 the complainant along with her daughter appeared before the police. Statement of the prosecutrix was recorded under Section 164 Cr.P.C. wherein she stated that she had gone to Rajasthan to her aunt's place as her parents were going to marry her somewhere else which was not to her liking and that she had not been kidnapped/abducted. The prosecutrix again came to the Police Station on 3rd November, 2015 and alleged that the petitioner had forcibly made physical relations with her and had made video and was blackmailing her. Statement of the prosecutrix was again recorded under Section 164 Cr.P.C. and Section 376 IPC and Section 6 of POCSO Act were added.

4. The police sprung into action to arrest the petitioner by seeking non-bailable warrants against the petitioner on 3rd October, 2017, returnable for 14th November, 2017 when the petitioner approached the Court for anticipatory bail.

5. Learned APP for the State on instructions from the Investigating Officer submits that the petitioner has since joined the investigation. During the course of investigation, the petitioner has also produced certificate showing that he had married the prosecutrix on 26th September, 2014.

6. Considering the vacillating stand of the prosecutrix and that the petitioner has since joined the investigation, this Court deems it fit to grant anticipatory bail to the petitioner. It is, therefore directed that in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that the petitioner will join the investigation as and when directed

by the Investigating Officer and in case of change of residential address the same will be intimated to the Court concerned by way of an affidavit.

7. Petition and application are disposed of.

8. Order dasti.

MUKTA GUPTA, J.

MARCH 14, 2018

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