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

+ **BAIL APPLN. 2612/2017**

TARUN

..... Petitioner

Represented by: Mr. Gaurav Gaur, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Represented by: Mr. Hirein Sharma, APP for
the State with Inspector
Sushila, PS Maya Puri.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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05.01.2018

Crl. M.A. No. 21009/2017 (Exemption)

Allowed, subject to all just exceptions.

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1. By this petition the petitioner seeks bail in case FIR No. 191/2016 under Section 6 of the Protection of Children from Sexual Offences Act (in short 'POCSO Act') and Sections 363/366/376/506 IPC.

2. The above noted FIR was registered on the complaint of the father of the prosecutrix who alleged that his daughter aged 14 has been kidnapped. Since the petitioner was also not traceable, efforts were made to trace him and on 5th June, 2016 the prosecutrix appeared before the police and made her statement wherein she denied any history of sexual assault, sexual intercourse or physical relation. She even denied her internal medical examination. Thus the petitioner was arrested for offence punishable under

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Section 363 IPC and released on bail, the offence being bailable in nature.

3. On 9th June, 2016 the prosecutrix gave a written complaint alleging that she had been kidnapped by the petitioner on 3rd June, 2017 and he committed rape on her on the assurance that he would marry her. Thus Sections 366/376/506 IPC and Section 6 of POCSO were added to the investigation. Charge sheet has since been filed and in the trial the three material witnesses, that is, the prosecutrix and her parents have been examined.

4. Since the material witnesses have already been examined and the trial is likely to take some time, this Court deems it fit to grant bail. It is, therefore, directed that 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 learned Trial Court, further subject to the condition that he will not leave the country without prior permission of the court concerned and in case of change of address the same will be intimated to the court concerned by way of an affidavit.

5. Petition is disposed of.

6. Order dasti.

MUKTA GUPTA, J.

JANUARY 05, 2018
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