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

+ **BAIL APPLN. 2648/2017**

VINIT KUMAR

..... Petitioner

Represented by: Mr. Shailendra Babbar, Mr.
Ravinder Kumar and Ms.
Shambhavi Singh, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP
with SI Vikas, PS Sonia Vihar.
Mr. Vijay Kinger, Advocate for
complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

29.08.2018

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1. By this petition, the petitioner seeks anticipatory bail in case FIR No. 309/2017 under Sections 363/354D and Section 12 of Protection of Children from Sexual Offences in short 'POCSO' Act.
2. In the above noted FIR the allegations of the complainant were that his daughter was missing since 28th September, 2017 and he suspected that the petitioner had seduced her to run away. Initially FIR was registered on 29th September, 2017 under Section 363 IPC. On 11th October, 2017 the victim came back to her home and the complainant i.e. her father produced the victim at the police station where she was medically examined and her statement was recorded under Section 164 Cr.P.C.

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3. In her statement before the learned Magistrate the victim stated that she had gone with her boyfriend Vinit to Agra though he did not do any wrong act with her. She further stated that nowadays the petitioner was stalking her. Thus Section 354D IPC was added to Section 363 IPC on which FIR initially registered.

4. As the victim was a minor at the time of alleged incident, Section 12 of POCSO Act added. During the course of investigation it was found that the petitioner had taken the victim to Hotel Bengal Lodge Bar & Restaurant on 28th September, 2017 at Agra where they stayed.

5. In the present petition, the petitioner has taken the plea that family of the victim is forcing her to indulge in illegal activities and extortion. To prove his case he handed over CDs of the conversation recorded in the mobile phone of the petitioner.

6. A status report has been handed over. As per the status report the voice samples in the CD tallied to that of the petitioner, complainant and his son. From the transcript of the CD it is apparent that money is being demanded.

7. Considering the nature of evidence that has come on record, 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 bond 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 will not leave the country without prior permission of the Court concerned and in

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

8. Before disposing of this petition, this Court would like to note that the FSL report confirming the voice in the CD makes out a case of demand of money from the petitioner to settle the matter. The concerned SHO will take appropriate legal action on the offences allegedly committed in the conversation between the parties.

9. Petition is disposed of.

10. Order dasti.

MUKTA GUPTA, J.

AUGUST 29, 2018

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