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

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Judgment delivered on: 21.12.2018

+ BAIL APPLN. 3001/2018

DEEPAK @ DILIP

..... Petitioner

versus

STATE OF NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner :

Mr. Vijay K. Sehgal, Adv.

For the Respondent :

Ms.Meenakashi Dahiya, Addl. PP for the
State with Inspr. Seema Yadav
SI Ravinder, PS Alipur.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

21.12.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks regular bail in FIR No. 194/2018 under Sections 376 of Indian Penal Code and Section 67A of Information Technology Act and Section 6, 15 & 21 of POCSO Act, Police Station Inder Puri. Petitioner is charged only under section 67A Information Technology Act.

2. The allegations against the petitioner are that the petitioner had

witnessed the sexual assault by main accused in the subject FIR, recorded the incident on his cell phone and caught hold of the main accused and thereafter with the help of other persons handed over him to the police. The allegations against the petitioner are that he has recorded the incident and thereafter forwarded the same to some other individuals.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated of having forwarded the video to other individuals. He submits that Petitioner had recorded the video for the purpose of apprehending the main accused and has himself handed the accused over to police with the help of others.

4. Status report has been filed which indicates that the mobile phone has been seized and sent for Forensic Science Laboratory after forensic analysis.

5. Learned Addl. PP, under instructions, submits that it is only after the receipt of forensic report, it would be possible to confirm as to whether the video was forwarded by the petitioner and if so to whom.

6. Without commenting on the merits of the case and the fact that petitioner is not charged with offences under Section 376 IPC and Section 6, 15 and 21 of the POCSO Act, I am of the view that the petitioner has made out a case for grant of regular bail.

7. Accordingly, it is directed that subject to petitioner furnishing a bail bond in the sum of Rs. 15,000/- with one surety of like amount to the satisfaction of the Trial Court, petitioner be released on bail, if not required in any other case. Petitioner shall not do anything, which may prejudice either the trial or the prosecution witnesses.

8. The Petition is disposed of in the above terms.

9. Order *Dasti* under signatures of the Court Master.

DECEMBER 21, 2018

‘rs’

SANJEEV SACHDEVA, J

भारतमेव जयते