

\$~13

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

+ **BAIL APPLN. 3147/2019**

RAM LAL @ GANNA

..... Petitioner

Through: Mr Pradeep Kumar, Advocate.

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent

Through: Ms Kusum Dhalla, APP for State with
SI Pardeep Kumar, PS Mianwali
Nagar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **20.12.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that he be released on bail in FIR No. 0115/2018, under Sections 376/306/506 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered with PS Mianwali Nagar.
2. The said FIR was registered on the statement made by the prosecutrix. The prosecutrix was admitted to the hospital as she stated that she had consumed some insecticides. At the material time, she was pregnant. She has alleged that the petitioner had taken her to his friend's place and had forcibly established physical relationship with her. She had stated that she had raised a cry, but nobody heard her. She had not disclosed this to anybody else out of fear.
3. In her testimony, she had testified that she was forced to consume the insecticides by the petitioner.

4. It is the petitioner's case that he was friendly with the prosecutrix and is not guilty of offence for which he is charged.
5. At the material time, the prosecutrix was a student of the VIIIth standard and it appears that she is a minor.
6. In view of the above, the defence sought to be raised by the petitioner, *prima facie*, does not appear to be merited. Notwithstanding, he may have been friendly with the prosecutrix but the fact that she is a minor does indicate that the petitioner had committed offence.
7. In view of the above and considering that the trial is at a crucial stage, this Court does not consider it apposite to allow the present petition. The same is dismissed.
8. However, it is clarified that no observation has been made which shall prejudice the petitioner's defence before the Trial Court. The Trial Court shall take a view uninfluenced by any observations made herein.

VIBHU BAKHRU, J

DECEMBER 20, 2019
MK