

\$~27

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

+ **BAIL APPLN. 3053/2019**

MONU JAISWAL

..... Petitioner

Through: Mr Rajat Katyal, Ms Namisha Gupta
and Mr Samyak Raj, Advocates.

versus

STATE

..... Respondent

Through: Ms Kusum Dhalla, APP for State iwht
SI Saurabh Kumar, PS Lodhi Colony,
New Delhi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

10.12.2019

CRL.M.A. 42304/2019

1. Allowed, subject to all just exceptions.

BAIL APPLN. 3053/2019

2. Issue notice. Ms Dhalla, learned APP accepts notice.

3. The petitioner has filed the present petition, *inter alia*, seeking bail in connection with FIR No. 0150/2019, under Section 376 of the Indian Penal Code, 1860 (IPC) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), registered with PS Lodi Colony.

4. The said FIR was registered on 29.06.2019 at the instance of the petitioner's sister (hereafter 'S'). 'S' had alleged that about one and a half years ago, the accused (petitioner herein) had forcibly established physical relationship with her.

5. It is the petitioner's case that the said FIR is false and has been filed as 'S' is in a relationship with one boy named Dilshad. The mother of the petitioner and 'S', had filed a FIR, under Sections 365/366/376 of the IPC

read with Section 6/3/4 of the POCSO Act against Dilshad, as 'S' is a minor.

6. The learned counsel appearing for the petitioner further states that 'S' is living with the mother of Dilshad and is highly dissatisfied on account of the FIR filed against him. He submits that the present FIR has been filed only to pressurise the petitioner's mother to withdraw the said FIR.

7. He has handed over a copy of the statement of 'S' recorded under Section 164 of the Cr.P.C. The same indicates that S has not made any allegation of a penetrative sexual assault as made by her earlier in the FIR. In her statement she merely states that the petitioner had placed his hand on her breast. The bulk of her statement recorded under Section 164 of the Cr.P.C. relates to allegations against her family members. She has alleged that they used to beat her and had restrained her from deposing in the case filed against Dilshad.

8. Considering the facts obtaining in the present case, this Court considers it apposite to allow the present petition. The petitioner is directed to be released on bail on furnishing a Personal Bond in the sum of ₹10,000/- and one surety of an equivalent amount to the satisfaction of the Trial Court. The petitioner shall also provide his mobile number and ensure that he is reachable on it at all times. The petitioner shall not leave this country.

9. The petition is allowed in the aforesaid terms.

10. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

DECEMBER 10, 2019/MK