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

+ **BAIL APPLN. 2653/2019**

VINIT KUMAR

..... Petitioner

Through: Mr Vineet Jain, Advocate.

versus

STATE

..... Respondent

Through: Ms Kusum Dhalla, APP for State with
SI Ajay Singh, PS Paharganj.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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25.11.2019

1. The petitioner has filed the present petition, *inter alia*, seeking bail in connection with FIR No.0386/2016 under Sections 363/376D/328/120B/506 of the IPC read with Sections 6/8/17 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).
2. The said FIR was registered at the instance of the prosecutrix. She had alleged that she had received a telephone call at about 3:00 AM on 03.11.2016 from one Kamran. He had called her outside her house. She had stated that on his repeated insistence, she went out of her house and when she reached Himmatgarh crossing, some people had forcibly taken her to a hotel—Hotel King Castle, Paharganj. She stated that the petitioner, Rajesh and Kamran were present and had taken her in the car. She had alleged that at the hotel they had mixed something in the cold drink offered to her that resulted in her losing her consciousness. She stated that she subsequently

saw one Waseem, Ahmed, Saad and Rehan and one more boy. She stated that she was in a semi-conscious state and could not manage herself. She alleged that, thereafter, Waseem took her on the bed and committed *galat kaam* (sexual assault). She also alleged that Rehan had touched her private parts and she had shouted. She alleged that, thereafter, Saad removed the blanket and other boy who was named was not known to her made a video. She stated that, thereafter, nobody else was in the room except Saad and Waseem. They had called Kamran and Ahmad who took her out of hotel in a semi-conscious state. She stated that she woke up about 1:00 PM and found herself in the flat of Kamran. He subsequently dropped her home. She had narrated the incident to her mother who then took her to the police station.

3. It is apparent from the above that the role of the petitioner is limited, and as per the statement of the prosecutrix, he was only involved in taking the prosecutrix in the car to the hotel—Hotel King Castle, Paharganj.

4. At this stage, it is not necessary to examine the evidence in any further detail as the entire evidence is yet to be recorded.

5. The testimony of the prosecutrix has been recorded and her examination has been deferred only for the reason that the report of the mobile phone is awaited.

6. The petitioner has been in custody for over three years and it is obvious that the trial is likely to take some time.

7. It is stated that other witnesses that are required to be examined are, the medical witnesses, official witnesses and experts from FSL. The public witnesses and material witnesses have already been examined.

8. The petitioner has been in custody for over three years and it is obvious that the trial is likely to take some time.
9. Considering the above, this Court considers it apposite to allow the present application.
10. In view of the above, the petitioner is released on bail on furnishing a Bail Bond in the sum of ₹50,000/- with two sureties of an equivalent amount to the satisfaction of the trial court. The petitioner shall also report to the local police station, PS Paharganj on every 2nd and 4th Monday of the month at 10:30 AM. The petitioner shall not leave the National Capital Territory of Delhi and ensure that he is available to attend the hearings in the trial court.
11. The petition is disposed of.
12. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

NOVEMBER 25, 2019
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