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

+ **BAIL APPLN. 2794/2019**

AMIT KUMAR

..... Petitioner

Through Mr. Varun Mudgil, Adv.

versus

STATE

..... Respondent

Through Mr. Panna Lal Sharma, APP for State
SI Sambhu K Jha, PS Sarai Rohilla
SI S K Jha, PS Sarai Rohilla

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **07.11.2019**

CRL.M.A. 39871/2019 (exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 2794/2019

Vide the present application, the petitioner-accused seeks directions thereby to release him on bail in FIR No.268/2018 registered at P.S. Sarai Rohilla for the offences punishable under sections 376/328/506 IPC and Section 6 of POCSO Act, pending disposal in SC/588/2018.

The present bail application has been filed on the ground that the name of the petitioner is neither mentioned in the FIR nor in the statement recorded under Section 164 Cr.P.C., therefore, no case is made out against the petitioner.

Learned APP on behalf of the State opposed the present application by stating that the allegations against the petitioner are serious in nature in as much as the main accused Ravi, had taken the prosecutrix to the place of the petitioner where she was sexually assaulted by the accused Ravi.

The fact remains that the name of the petitioner is not mentioned either in the FIR or in the statement recorded under Section 164 Cr.P.C., and there is no allegation against the petitioner regarding sexual assault.

Accordingly, without commenting upon the merits of the case of the prosecution, I hereby direct that the petitioner be admitted to bail on furnishing personal bond in the sum of Rs.25,000- with one surety in the like amount to the satisfaction of the Trial Court.

The application stands disposed of accordingly.

Order *dasti* under signatures of the Court Master.

SURESH KUMAR KAIT, J

NOVEMBER 07, 2019

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