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

+ **BAIL APPLN. 130/2019**

MOHD. HASSAN

..... Petitioner

Through: Mr. Nusrat Hossain, Adv.

versus

STATE

..... Respondent

Through: Mr. Tarang Srivastava, APP with W/SI
Nirmala Singh, PS Sagar Pur.

Mr. N.U. Ahmed, Adv. for complainant.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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19.02.2019

The petitioner seeks bail. The petitioner has no criminal antecedents. He is stated to be known to the complainant. He is incarcerated since 31.07.2018. He is alleged to have misbehaved with the complainant, a minor. It is the petitioner's case that he was 19 years old at the time of the alleged incident and the parties knew each other. The petitioner seeks to rely upon photographs to prove his case. The petitioner states that there is a contradiction between the contents of the allegations in the FIR and the statement made under Section 164 Cr.P.C. The FIR alleges that nobody was present in the house when the alleged incident happened, however, in the statement under Section 164 Cr.P.C., the complainant mentions that her mother was at home. Charges are yet to be framed.

In the aforesaid circumstances, the petitioner is enlarged on bail on his furnishing a personal bond in the sum of Rs.1.00 lacs with two sureties of the like amount to the satisfaction of the Trial Court concerned, subject to the following conditions:-

- (i) the petitioner will regularly appear on each and every date of hearing as may be fixed by the learned Trial Court;
- (ii) the petitioner will not try to influence, contact or meet the complainant and prosecution witnesses in any manner;
- (iii) the petitioner shall keep a distance of 200 meters at all times from the complainant and her family members;
- (iv) the petitioner will not leave the country without prior permission of the Court and the passport, if any, shall be deposited with the Trial Court concerned; and
- (v) in case of change of his new address or contact number, the petitioner will promptly intimate to the SHO/IO of the case and intimate the Trial Court.

The petition stands disposed-off in the above terms.

Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

The Registry is directed to send a copy of this order to the Jail Superintendent, concerned for compliance. Additionally, a copy of the same shall also be delivered upon the Jail Superintendent through the police.

A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J

FEBRUARY 19, 2019

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