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

+ **BAIL APPLN. 144/2019 & CRL.M.A.1267/2019**

KISHORE KUMAR Petitioner

Through: Mr. Raj Kumar Singh, Adv.

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through: Mr. Ashish Dutta, APP with SI
Nitesh Sharma, PS Fatehpur
Beri, Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **21.01.2019**

CRL.M.A. 1267/2019 (for exemption)

Allowed, subject to all just exceptions. Application stands disposed of.

BAIL APPLN. 144/2019

1. The petitioner has filed this second bail application under Section 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.) for the grant of bail in FIR No.294/2018 under Section 376 of the Indian Penal Code, 1860 (IPC) and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) registered at Police Station Fatehpur Beri, Delhi.

2. The alleged brief facts of the case are that the complainant is the mother of the victim who is a 14 year old girl. It is alleged that the accused/petitioner had come to the house of the victim and had

committed rape on her and thereafter, whenever the mother and the sister of the victim were not present in the house, the petitioner used to come and have physical relations with the victim, in consequence of which the victim got pregnant. The alleged incident took place in the year 2017. Subsequently, the victim narrated the incident to her mother and the matter was reported to the police and an FIR was lodged under Section 376 of the IPC and Section 4 of the POCSO Act against the petitioner. Subsequently, investigation was carried out and charge-sheet was filed and the petitioner was taken into judicial custody. The petitioner has been in judicial custody since 27.7.2018.

3. The petitioner thereafter, filed the bail application before the learned Additional Sessions Judge and the learned Additional Sessions Judge observed in its order dated 1.11.2018 that there are serious allegations of commission of rape against the petitioner and held that there is a possibility of the petitioner influencing the victim and tampering with the prosecution evidence if he is released on bail and hence, the bail application filed by the petitioner was dismissed.

4. The petitioner had earlier also moved a bail application before the High Court and the same was dismissed as withdrawn on 9.1.2019.

5. Learned counsel for the petitioner, on the query of the Court, submitted that the Trial Court is delaying the matter and has not framed the charges against the petitioner and now the case is fixed for 11.3.2019, hence, for that reason, he has filed the present bail application.

6. This Court does not find any change in the circumstances since 9.1.2019, i.e. when the bail application was dismissed as withdrawn, till now. Accordingly, the present bail application is dismissed.
7. The Trial Court is directed to expedite the proceedings.

CHANDER SHEKHAR, J

JANUARY 21, 2019/rk