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

+ **BAIL APPLN. 363/2019**

SUNDER SINGH BISTH

..... Petitioner

Through Mr G.S. Tiwari, Advocate.

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through Ms Kusum Dhalla, APP for state.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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18.09.2019

1. The petitioner has filed the present petition, *inter alia*, praying that bail be granted to him in connection with FIR No. 216/2018 under Sections 376/354 of the Indian Penal Code, 1860 (IPC) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at P.S. Badapur, New Delhi.
2. This is clearly an unfortunate case where a minor has been violated, resulting in her conceiving and delivering an infant. However, the DNA report clearly indicates that the offence under Section 376 of the IPC is not made out against the petitioner. It does appear that a sexual relationship was established with the minor by a close relative. Insofar as the petitioner is concerned, the allegation against the petitioner is that the petitioner had touched the minor child inappropriately and had also kissed her.
3. It is material to note that the said FIR does not contain any such allegation against the petitioner. The procedure of law had been set in

motion upon the child in question being taken to a hospital on account of her pregnancy.

4. The petitioner has been in custody since 26.06.2018. Considering the factual matrix in which such allegation has been made and considering that the petitioner has been in custody for over fifteen months, this Court considers it apposite to allow the present petition and direct that the petitioner be released on bail.

5. The petitioner shall be released on bail on him furnishing a personal bond in the sum of ₹20,000/- with one surety of the like amount to the satisfaction of the concerned Trial Court. This is subject to the further condition that the petitioner shall not contact, either directly or indirectly, the family of the prosecutrix or any of the witnesses. He shall also not leave the National Capital Territory of Delhi. The petitioner shall also shift his residence and not visit the locality where the prosecutrix is residing. He shall inform the concerned SHP about his current address and whereabouts. He would also ensure that he is present on all occasions before the concerned Trial Court. Needless to state that if any of the conditions mentioned above is violated, the bail granted to the petitioner shall be cancelled.

6. The petition is disposed of.

7. Order *Dasti* under signatures of the court master.

VIBHU BAKHRU, J

SEPTEMBER 18, 2019

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