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

+ **BAIL APPLN. 591/2019 & CrI.M.A. 5083/2019**

KISHAN @GETHA

..... Petitioner

Through: Mr. Deepak Sharma, Adv.

versus

STATE

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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08.03.2019

The petitioner is facing trial in the special court (sessions case no. 464/2018) arising out of FIR no. 113/2018 of police station Palam Village involving charge for offences under Sections 366 IPC and Section 6 read with Section 5 (1) of Protection of Children From Sexual Offences Act, 2012 and in the alternative under Section 376 (2) (i) and (n) IPC. As per the prosecution case, the prosecutrix was about 15 years old at the relevant point of time, her school record indicating her date of birth to be 20.03.2002. It appears the prosecutrix had moved out with the petitioner on 01.03.2018 and had stayed with him for about a month, she having been engaged in physical relations rendering her pregnant with the child of the petitioner. These are the facts which were mentioned even in her statement under Section 164 Cr.P.C.. The oral deposition of the prosecutrix at the trial that her date of birth is 15.02.1999 is not based on any material. The school record cannot be ignored.

In these circumstances, the denial of bail by the trial court, by its order dated 15.01.2019, cannot be said to be unjust. No good grounds to release the petitioner on bail.

The bail application and the application filed therewith are dismissed.

R.K.GAUBA, J

MARCH 08, 2019

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