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

% Judgment delivered on: 23.07.2019

+ BAIL APPLN. 656/2019

PARAMDEEP

..... Petitioner

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Rajiv Mohan, Adv.

For the Respondent : Ms. Meenakshi Dahiya, Addl. PP for the State with
SI Rahul, SI Savita, P.S.Connaught Place

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 02/2018 under Sections 366/376/109 of the IPC read with Section 6 POCSO, Police Station Connaught Place.

2. The allegations in the FIR are that the prosecutrix claimed to be aged 17 years and 10 months. It is alleged that she did not like to study so she left her home on 04.01.2018 and thereafter did not return and was staying in Bangla Sahib Gurudwara.

3. It is alleged that at about 9 PM on 05.01.2018 after eating langar she was roaming around on the street opposite Bangla Sahib Gurudwara where one boy (petitioner) was following her. It is alleged that they both started

talking and thereafter started walking together. After sometime the boy (petitioner) told her that his car was parked at Bangla Sahib Gurudwara parking and both of them thereafter returned.

4. It is alleged that the petitioner thereafter called his cousin and she then waited outside on the street when petitioner and his cousin came in a Swift Dzire car, she sat in the car with them and they both drove the car here and there. Subsequently, it is alleged that they took her to a place which was stated by them to be Shahdara. The cousin of the petitioner is alleged to have brought the key of the house and both of them went into the house where it is alleged that petitioner forcibly made physical relations with her.

5. It is alleged that thereafter at about 6 in the morning they dropped her back at Bangla Sahib Gurudwara. She claims to have rested and thereafter gone to her work in the beauty parlour at Rohini. It is further alleged that on 06.01.2018 in the night the petitioner once again came to Bangla Sahib Gurudwara where she was working in the langar and they both went out and the cousin came with his Swift Dzire. Both of them sat in the car and once again they started roaming around here and there.

6. It is alleged that petitioner thereafter tried to misbehave with her. When she started shouting he is alleged to have dropped her back to Bangla Sahib Gurudwara. On 07.01.2018, at about 10 p.m. subject complaint was filed.

7. Learned counsel for the petitioner submits that petitioner has been falsely implicated. He submits that there is no material to suggest that there

was any physical relationship between the petitioner and the prosecutrix. It is further alleged that the petitioner is aged about 21 years and had come to Delhi to obtain a Visa to go to Canada.

8. Learned counsel further submits that there is no material to corroborate the allegation except the bald statement of the prosecutrix. He further submits that the forensic report does not also support the case of the prosecution or establish that any physical relation was established between the petitioner or the prosecutrix.

9. Learned counsel further submits that the MLC of the prosecutrix also does not suggest that any forcible relationship was established with her or that prosecutrix was subjected to any physical relationship.

10. Learned counsel further submits that the prosecutrix had even called up the petitioner at midnight of 06.01.2018 and 07.01.2018 and threatened him that she would be making a complaint to the police.

11. Learned counsel submits that the prosecutrix has already been examined and cross examined and as such there is no possibility of the petitioner now attempting to influence the prosecutrix. He further submits that the other witnesses are doctors/police officials.

12. Learned counsel for the petitioner submits that the petitioner has been in custody since 08.01.2018.

13. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances of the case, I am satisfied that petitioner has made out a case for grant of regular bail.

14. Accordingly, on petitioner furnishing a bail bond in the sum of Rs. 25,000/- with two sureties of the like amount, one of which has to be a local surety, to the satisfaction of the Trial Court, petitioner shall be released on bail, if not required in any other case. Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses.

15. Petitioner shall not leave the country without the prior permission of the Trial Court. Petitioner shall surrender his passport if not already done to the IO/SHO and shall keep his mobile number active during the trial and in case of change in his mobile number or his residential address, intimate the same to the IO/SHO.

16. Petition is allowed in the above terms.

17. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

JULY 23, 2019

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