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

Judgment delivered on: 25.07.2019

+ BAIL APPLN. 692/2019

SHASHANK

..... Petitioner

versus

STATE(GOVT. OF NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner :

Mr. Sunil Dalal with Mr. Rajiv Singh
and Mr. Devashish Bhaduria,
Advocates.

For the Respondent:

Mr. Hirein Sharma, APP for the State with the
Investigating Officer.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No. 39/2019 under Section 354-D/323/427/506 of IPC and Section 12 of POCSO Act, Police Station Defence Colony.

2. The prosecutrix is aged 17 years and 11 months and a student of a college in South Delhi. It is contended that she knew the petitioner for the last 3-4 years and was in touch with him over

Facebook and social media. It is alleged that recently prior to lodging of the FIR she stopped talking to him because of his bad behaviour. It is further alleged that thereafter he starting following her and would stop her with an attempt to talk to her. When she refused, he would hit her. It is alleged that on the day of the incident when she was coming from her college, he stopped her on the way and snatched her mobile phone and broke it and thereafter slapped her.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that the petitioner and the prosecutrix were friends for many years and the allegations that she had stopped talking to him and thereafter he had been following her are incorrect as even up to the day of the incident including on the day of the incident they were in touch through social media. Learned counsel submits that the parties had met and spent some time during the day and the subject FIR has been registered by the prosecutrix under pressure from her family.

4. By order dated 05.04.2019, the petitioner was granted interim protection subject to his joining investigation.

5. Learned APP for the State, under instructions from the Investigating Officer, submits petitioner had joined investigation and the investigation qua the role of the petitioner is complete and there is no further requirement of the petitioner to join investigation.

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

7. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail, on petitioner furnishing a bail bond in the sum of Rs. 15,000/- with one surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioner shall not do anything that may prejudice either the trial or the prosecution witnesses. Petitioner shall not contact the prosecutrix and her family.

8. Petition is allowed in the above terms.

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

SANJEEV SACHDEVA, J

JULY 25, 2019
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