

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

Date of Order: May 30, 2019

+ **BAIL APPLN. 1421/2019**

AMAN SINGHPetitioner

Through: Mr. Altaf Hussain, Advocate

Versus

THE STATERespondent

Through: Dr. M.P.singh, Additional Public
Prosecutor for respondent-State

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Crl.M.A. 12070/2019

Allowed subject to all just exceptions.

BAIL APPLN. 1421/2019

Petitioner seeks regular bail in FIR No. 86/2019, under Sections 376/354A/506 IPC and Sections 6/10 of *The Protection of Children from Sexual Offences Act, 2012*, registered at police station Ambedkar Nagar, Delhi while claiming to be innocent.

Petitioner's counsel submits that the story putforth in the FIR is concocted. Attention of this Court is drawn to the order

of 14th March, 2019 (*Annexure-D*) vide which bail has been granted to co-accused-*Poonam*. It is pointed out that in the aforesaid order, it is noted that petitioner was in illicit relationship with mother of the victim and attention of this Court is drawn to affidavit of *Poonam* (*Annexure-G*), the mother of victim and affidavit of one *Reshma* (*Annexure-H*) to point out that petitioner has been falsely implicated at the instance of father of victim. Attention of this Court is also drawn to conversation (*Annexure-E*) to point out that conversation between one *Reshma* and *Rakesh* reveals that there was a conspiracy to falsely implicate petitioner and co-accused *Poonam*. So, it is submitted that petitioner deserves bail.

On the contrary, learned Additional Public Prosecutor for respondent-State refutes the aforesaid stand taken on behalf of petitioner and submits that offence committed by petitioner is of heinous nature and so, this application deserves dismissal. Attention of this Court is also drawn to a copy of statement of prosecutrix under Section 164 Cr.P.C.

Upon hearing and on perusal of FIR of this case, statement of prosecutrix recorded under Section 164 Cr.P.C., I find that petitioner is accused of committing offence, which is punishable under Section 6 of *The Protection of Children from Sexual*

Offences Act, 2012 with rigorous imprisonment for a term not less than ten years, which may extend to imprisonment for life. The incident in question was reported on 26th February, 2019 and prior thereto also, petitioner had indulged in similar offence which went unreported. Refusal for medical examination is of 1st March, 2019 which by itself does not justify grant of bail to petitioner, as the allegations levelled against him are of heinous nature.

This application is accordingly dismissed while refraining to comment upon the merits of the case, lest it may prejudice petitioner at trial.

(SUNIL GAUR)
JUDGE

MAY 30, 2019

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