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

+ **BAIL APPLN. 2131/2019**

SHANKAR THAKUR

..... Petitioner

Through

Mr. V.K.Shukla, Mr. C.B.Dubey
and Ms. Nupur Shukla,
Advocates

versus

STATE GOVERNMENT OF (NCT) DELHI Respondent

Through

Ms. Neelam Sharma, APP for
State.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

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20.09.2019

Vide this order, I shall dispose of an application for anticipatory bail filed by the petitioner Shankar Thakur in FIR No. 190/2019, PS Jagatpuri, under Section 376/377/406 IPC and Section 4 POCSO Act.

Ld. Counsel for the petitioner has prayed for anticipatory bail on the ground that petitioner is innocent and has been falsely implicated. The mother of the applicant/accused has received calls/whatsapp messages from various mobile phones wherein the ransom of Rs. 10-15 lakhs was demanded in June, 2019. Family members of the complainant pressurised the petitioner and told that if the ransom is not paid, the applicant would be implicated in a false case. Since the parents of the applicant were not in a position to arrange the money, he has been falsely implicated in this case.

Ld. APP for the State has opposed the anticipatory bail application and submitted that the applicant is involved in a very serious offence. The victim, aged 14 years has been sexually assaulted and no grounds for anticipatory bail are, therefore, made out. I have considered the rival submissions and gone through the record. FIR No. 190/19 under Section 376/377/406 IPC & 4 POCSO Act was registered at PS Jagarpuri on the complaint of the victim. She has alleged that she used to go for tuition in her neighbourhood. This house was petitioner's *Mausi* house. The petitioner used to live with her *Mausi* and he used to try to touch the victim inappropriately. In September, 2018, she had revealed the above acts of petitioner to her tuition teacher who had assured her that he would not harass her in future and had asked her not to tell these things to anyone. However, the petitioner had kept on harassing the victim. Thereafter, one day in the month of December, 2018, the victim had gone for tuition and there was no one in the *Mausi*'s house except the petitioner. Petitioner had told her that teacher will be coming soon and, thereafter, he had pulled the victim inside the house and before she could understand anything, he had started touching her inappropriately. He had then forcibly took off all the clothes of the victim worn by her on the lower part of the body and inserted his private part into the private part of the victim. Due to this, victim had started bleeding profusely. Petitioner had then threatened the victim that if she tells about this incident to anyone, she would be defamed. Thereafter in February, 2019, petitioner had again forcibly taken the victim to Monta Park and forcibly made physical relations with her. The petitioner also used to call the victim in a car and used to

forcibly insert his private part into her mouth. In the first week of July, 2019, victim had to appear in her exams but due to above incidents, she was disturbed and was unable to concentrate on her study. The victim had then told all these things to her mother and her mother had approached the Police for registration of FIR.

Perusal of the above statement of victim, who is 14 years old only, clearly reveals that she has been sexually assaulted several times by the petitioner. In view of the serious nature of the offence and also in view of the fact that petitioner is not available at the given address and is not joining the investigation and NBWs have been issued against him, no grounds for grant of anticipatory bail are made out. The anticipatory bail application is, therefore, dismissed.

BRIJESH SETHI, J

SEPTEMBER 20, 2019

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