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

+ **BAIL APPLN. 2824/2019**

SH. PIYUSH SHARMA

..... Petitioner

Through Mr A.K. Singh, Advocate.

versus

STATE

..... Respondent

Through Mr Amit Gupta, APP
SI Nisha, P.S. Patel Nagar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **12.12.2019**

1. The petitioner has filed the present petition seeking bail in FIR No. 299/2019, under Sections 354-A/354-D/509/506 of the IPC and Section 8/12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO) registered with PS Patel Nagar.
2. The allegation against the petitioner is that he had misbehaved with the complainant. The complainant had alleged that on 23.08.2019, the complainant was staying in PG accommodation which was owned by the petitioner. She had alleged that the petitioner had been harassing her for some time. She alleged that on 23.08.2019, all members residing in the PG had to temporarily come out of their respective rooms, in view of the pesticide treatment. On that date, the petitioner is alleged to have sent inappropriate messages to her. The status report indicates that the same have been verified and the appellant's mobile has been sent to FSL.

3. Mr Amit Gupta, learned APP states that the mobile phone has been sent to FSL. The complainant had made a complaint to the SHO P.S. Patel Nagar but the same was withdrawn, since the petitioner had apologized. The complainant alleges that on 10.09.2019, the petitioner had come into the PG room and had misbehaved with her. He had abused her and had asked her to vacate the premises immediately. She had also alleged that he had grabbed her and had attempted to force himself on her.

4. Mr Amit Gupta, learned APP states that the matter is now fixed before the Trial Court on 18.12.2019 for framing of charges. He submits that after the charges are framed, the complainant's evidence would be recorded in the first instance. Considering the stage of the proceedings, this Court does not consider it apposite to allow the present petition. The same is, accordingly, dismissed.

5. The Trial Court is, however, requested to consider the matter regarding framing of charges, on the date already fixed. If the charges are framed, the Trial Court shall endeavour to record the testimony of the complainant in the first instance prior to recoding the testimony of any other witness.

6. The petitioner is at liberty to apply afresh, after the evidence of the complainant has been recorded.

VIBHU BAKHRU, J

DECEMBER 12, 2019

pkv