

\$~3

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

+ **BAIL APPLN. 2928/2018**

RAUSHAN KUMAR MISHRA @ ASHUPetitioner

Through: Mr. D.B. Yadav and Mr. Suraj
Yadva, Advocates

versus

STATE OF GNCTDRespondent

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for respondent-
State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

%

15.05.2019

Petitioner seeks regular bail in FIR 3/2018 under Sections 376/313/370/370A/372/373 of IPC, under Section 6 POCSO Act & under Section 4, 5, 6 of ITP (*The Immoral Traffic (Prevention) Act, 1956*) registered at police station Adarsh Nagar, Delhi while claiming that petitioner is innocent and in custody since 4th February, 2018.

Learned counsel for petitioner submits that prosecutrix in her evidence has deposed that petitioner was reluctant to establish sexual relations with her. It is also submitted that petitioner had surrendered before the trial court and since he is innocent, therefore, he deserves bail as he has to look after his wife and minor child. It is further submitted that prosecutrix was aged more than 18 years and her evidence is contradictory and so, bail be granted to petitioner.

Learned Additional Public Prosecutor for respondent-State submits that evidence of prosecutrix sufficiently incriminates petitioner and in view of gravity of the offence committed by petitioner, he does not deserve the concession of bail.

Upon hearing and on perusal of evidence of prosecutrix, I find that it cannot be said that there is no incriminating evidence against petitioner. However, without commenting upon the evidentiary value of prosecutrix's evidence, this Court finds that it is not a fit case for grant of bail to petitioner, as the offence committed by him is heinous one.

Accordingly, this application is dismissed.

(SUNIL GAUR)
JUDGE

MAY 15, 2019

v