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

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Judgment delivered on: 09.01.2019

+ BAIL APPLN. 3055/2018

JAGDISH

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Santosh Singh, Advocate.

For the Respondent : Ms. Kusum Dhalla, APP for the State.
ASI Hawa Singh, PS Nihal Vihar.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

09.01.2019

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.461/2017 under Sections 354/506 IPC and Section 12, POCSO Act, Police Station Nihal Vihar.
2. Allegations against the petitioner are that the petitioner had misbehaved with the prosecutrix, who is aged 15 years. It is alleged that he had undressed himself as well as the prosecutrix and when she shouted, neighbours came and he was apprehended.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that the prosecutrix in her evidence before the Trial Court has not supported the version as recorded in the FIR

and her statement under Section 164 Cr.P.C.

4. Further, it is contended that the maximum sentence which can be imposed is 3 years and the petitioner has been in custody since 06.08.2017, i.e, nearly 17 months.

5. Without commenting on the merits of the case and keeping in view of the totality of facts and circumstances and also the fact that the petitioner is alleged to have committed an offence under Section 354 IPC and Section 12 POCSO and maximum punishment that can be imposed can extend upto 3 years and the petitioner has already been in custody for 1 year 5 months and trial is likely to take some more time, I am of the view that the petitioner is entitled to grant of regular bail.

6. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court, petitioner shall be released on bail, if not required in any other case. Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses. Petitioner shall not contact the prosecutrix or her family.

7. Petition is disposed of in the above terms.

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

SANJEEV SACHDEVA, J

JANUARY 09, 2019/st