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

+ **BAIL APPLN. 2940/2019 & CRL.M.A. 41327/2019**

FATHER JOHN

..... Petitioner

Through: Mr Aditya Aggarwal and Mr Amit
Rana, Advocates along with sureties
in person.

versus

STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Ms Kusum Dhalla, APP for State with
SI Khusbhu Singh, PS Kalyanpuri.
Mr Saurabh Jana, Advocate for
complainant.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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09.01.2020

1. The petitioner has filed the present petition, *inter alia*, seeking bail in connection with FIR No.0575/2018 under Sections 377/506 of the Indian Penal Code, 1860 (IPC) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) registered with PS Kalyanpuri.
2. The said FIR was registered at the instance of the victim (who claims to be a student of the Delhi University).
3. The complainant had initially filed a complaint on 05.11.2018 with PS Maurice Nagar. He stated that he had met the petitioner in March, 2018 at Supershine Chowk, Delhi and the petitioner had informed him that he was engaged in the work of anti-human trafficking and food distribution. The complainant had informed the petitioner that he knew how to play the piano and the petitioner had called him to D-78, 4th floor, East Vinod Nagar, Delhi to teach piano to three children. The complainant claimed that two servants

of the petitioner and their families used to also live at the premises. He stated that he used to go to the said flat and play piano, but he stopped going on account of preparing for his XIIth Standard examination. He started going there again in July, 2018 after commencement of classes at his college. He stated that the petitioner had included him in his NGO and also compelled him to stop using Facebook and WhatsApp. He stated that on 03.09.2018, the petitioner had made the complainant sign the Constitution named 'Spiritual Co-worker'. He alleged that the petitioner used to also threaten him that he would get him and his friends implicated in offences under the POCSO Act, as his friends had shared pornography material with him.

4. The Complainant also alleged the petitioner had professed his love for him and touched his private parts.

5. The petitioner claims that the said allegations are false. The petitioner claims that he had devoted his life for helping underprivileged persons including one Rajesh @ Anand who has a family consisting of his wife and one minor daughter aged eleven years. He states that he had met the complainant on or about in March, 2018 and had noticed that he knew how to play the piano. He had asked the complainant to teach piano to the daughter of Rajesh @ Anand and two minor daughters of his relative. The complainant used to visit the flat – D-71, Fourth Floor, East Vinod Nagar, Delhi – to teach piano to the three minor children and the petitioner used to treat the complainant as his own child.

6. The petitioner states that on 01.11.2018, the complainant had sexually assaulted the minor daughter of Rajesh @ Anand for which an FIR under Sections 354/354B/376 of the IPC and Section 6 of POCSO Act was registered with PS Kamla Market (FIR No. 294/2018)

7. He states that on becoming aware of the FIR against him, the complainant filed a complaint on 05.11.2018 and thereafter, filed the FIR in question (FIR No 575/2018). He states that FIR in question was filed only as a counterblast to the FIR filed against the complainant.

8. The petitioner has been in custody since 22.11.2018. A chargesheet has already been filed and the investigation stands completed. It is also not disputed that an FIR for the offences punishable under Section 376 of the IPC and Section 6 of the POCSO Act was filed against the complainant prior to registration of the FIR in question.

9. Considering the circumstances of the entire case, this Court considers it apposite to allow the present petition.

10. The petitioner has been in custody for over one year. This petition was heard on 18.12.2019 and on that date it was pointed out that the petitioner's residential address has not been verified. The learned counsel appearing for the petitioner had stated that he shall provide a fresh address of the petitioner as well as the addresses of the persons proposed as sureties. Subsequently, the petitioner had furnished his residential address as 11/72 A, East Laxmi Market G.No.3, Near Sai Mandir, Shakarpur, Delhi.

11. A status report had been filed, which indicates that the landlady (one Smt Bittoo Devi) was contacted and she had stated that she had leased two rooms to the petitioner on the ground and first floor of her property at a lease rental of ₹1500/- per month. She had stated that he carried out his business from the said premises, but did not reside there. She further stated that the petitioner used to reside at various places but did not reside at the said address.

12. Ms Bittoo Devi is present in the Court and she is identified by the

learned counsel for the petitioner. She confirms that the petitioner had taken two rooms on rent at her premises and used to carry on his business from the said premises. She states that she is no objection if the petitioner resides in the premises rented from her.

13. Mr Yogender Singh Yadav S/o Devendra Singh Yadav and his wife Smt. Madhulika Banerjee, R/o XB-4, Sahivikas Society, 68, Indraprastha Extension Delhi are also present in the Court. Mr Yogender Singh Yadav states that he knows the petitioner for the past thirty-eight years and is willing to stand as a surety on his behalf. Mr Yadav has been apprised of the consequences for standing as a surety for the petitioner and he states that he fully understands the same.

14. In view of the above, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of ₹25,000/- and Mr Yadav and his wife standing as a surety for an equivalent amount to the satisfaction of the concerned Trial Court.

15. The petitioner shall not leave the National Capital Territory of Delhi. He shall provide his mobile number to the concerned SHO and shall ensure that he is reachable on it at all times. He shall also ensure that he shall attend all the proceedings before the Trial Court. The petitioner shall also report to PS Kalyanpuri on the first Monday of every calendar month.

16. The petition is allowed in the aforesaid terms.

17. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JANUARY 09, 2020/MK