

\$~24

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2368/2019**

AMIT KUMAR Petitioner
Through Mr. R.K.Tarun and Mr.Sumit
Kumar, Advs.

versus

STATE Respondent
Through Mr. Ashok Kumar Garg, APP
with SI Chander Kanta

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

%

06.01.2020

1. The present application has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') for grant of bail in FIR No.519/2018.
2. Learned counsel for the petitioner submitted that the father of the petitioner has already filed an affidavit on record, specifically undertaking therein that the petitioner shall never visit the place where the prosecutrix/victim is residing and their family has already vacated the earlier premises.
3. Learned counsel for the petitioner also submitted that the prosecution has already examined the prosecutrix as well as all other public witnesses before the Trial Court and now only formal witnesses are required to be examined by the prosecution before the Trial Court.
4. It is also submitted by the learned counsel for the petitioner that the petitioner is in custody since 9.1.2019.
5. Learned APP, on instructions, on the query of the Court, submitted that apart from the present case, petitioner does not have

any other criminal antecedents, however, it may be ensured that the petitioner should not influence or contact the prosecutrix, in any manner, in future.

6. Learned counsel for the petitioner submitted that in view of the aforesaid facts and circumstances and the fact that the prosecutrix and all the public witnesses have already been examined before the Trial Court, the present petition may be allowed and the petitioner may be granted bail.

7. Taking into consideration the aforesaid facts, as well as the fact that the petitioner is in custody since 9.1.2019 and the prosecutrix as well as all the public witnesses have already been examined by the Trial Court, the bail application is allowed and the petitioner is admitted to bail in FIR No.519/2018, subject to his furnishing a bail bond in the sum of Rs.25,000/-, with one surety of the like amount to the satisfaction of Trial Court, further subject to the conditions that the petitioner shall furnish his fresh address and the contact number to the SHO of the area concerned within one week of his release; that he shall also not visit the place or area where the prosecutrix is residing and he also shall not contact and/or get in touch with the prosecutrix, under any circumstances, in any manner. In case any such complaint is received against the petitioner, the prosecution may move an appropriate application in this regard for passing of the appropriate orders.

8. The application is disposed of accordingly.

CHANDER SHEKHAR, J

JANUARY 06, 2020/rk