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

+ **BAIL APPLN. 103/2020**

AJIT KUMAR

..... Petitioner

Through

Mr. Simon Benjamin with Mr. Savya
Baweja, Mr. Surbhit Nandan, Advs.

versus

STATE

..... Respondent

Through

Mr. Amit Chadha, APP for State
SI Pritosh, PS Burari

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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11.02.2020

The present petition is filed under Section 439 Cr.P.C. for grant of bail in pursuance of FIR No. 327/2016 dated 06.07.2016 registered at Police Station Burari for offences punishable u/s363/376/506 IPC r/w 4/6 POCSO Act.

It is not in dispute that in statement under Section 164 Cr.P.C. recorded on 09.07.2016 no allegation of rape was made against petitioner. However, in the consequent statement recorded under Section 164 Cr.P.C. on 03.08.2016 she made an allegation of rape.

Moreover, petitioner is in judicial custody since 06.08.2016 and out of 22 prosecution witnesses only 12 prosecution witnesses have been examined since 2016. Thus, trial will take substantial time.

However, without commenting on merits of the prosecution case, I am of the view that present case is fit for bail. Therefore, petitioner shall be

released on bail on his furnishing personal bond in the sum of ₹10,000/- with one surety of the like amount to the satisfaction of Trial Court.

Before parting with order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the basis of merits of this case.

The present bail application is allowed and disposed of.

Copy of this order be transmitted to the Jail Superintendent and concerned Trial Court for compliance.

Order *dasti* under the signatures of Court Master.

SURESH KUMAR KAIT, J

FEBRUARY 11, 2020

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