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

+ **BAIL APPLN. 228/2020**

RISHI AHUJA

..... Petitioner

Through: Mr. Vikas Pahwa, Sr. Advocate, Mr. Mohit Mathur, Sr. Advocate with Mr. Nikhil Mehta, Mr. Arham Masud, Mr. Ansh Kukreja & Mr. Shailendra Singh, Advocates.

versus

STATE

..... Respondent

Through: Ms. Meenakshi Dahiya, learned APP for State with SI Nisha, PS Patel Nagar.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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13.02.2020

Submissions have been made on behalf of either side.

On behalf of the applicant, it has been submitted that apart from the minor accident that had taken place in which the applicant's car had hit the complainant, there was nothing else that had taken place and persons who had collected at the spot on 20.12.2019, had advised the complainant to take the mobile number of the petitioner for future purpose, as a consequence of which the petitioner's mobile number was taken by the complainant and put into her mobile phone. It has been submitted on behalf of the applicant that he was subsequently falsely implicated in the instant case on 23.12.2019 after the lapse of

two days with the alleged commission of the offences punishable under Section 354/354A/341 of the Indian Penal Code, 1860 and Section 8 of the POCSO Act, 2012.

It has *inter alia* been submitted on behalf of the applicant that the averments made in the FIR, do not bring forth the commission of any offence described in Section 7 of the POCSO Act, 2012 to make the applicant culpable under Section 8 of the said enactment. It has also been submitted on behalf of the applicant that the offence punishable under Sections 354A and 341 of the Indian Penal Code, 1860 are both bailable. It has further been submitted on behalf of the applicant that even if the averments made in the FIR and the statement under Section 164 of the Cr.P.C., 1973 of the prosecutrix are accepted to be correct, there is no intent that can be attributed to the applicant to outrage the modesty of the complainant.

On behalf of the State, the present application is vehemently opposed submitting to the effect that the complainant was all alone on the road on 20.12.2019 at 12.05 PM when she was going to school, where the applicant aged 32 years waived towards her from inside, the complainant being 17 years, he stopped his car and started a conversation with the complainant, took her phone and entered his mobile number in her mobile phone and grabbed her hand and kissed her hand, which she considered to be a sexual assault and per her statement under Section 164 of the Cr.P.C., 1973 also stated that she felt offended by the same.

Without any observations on the merits or demerits of the trial

that may take place, taking into account the aspect that there are no previous adverse antecedents against the applicant and that the applicant has been in custody since 23.12.2019, the applicant is allowed to be released on bail on filing a bail bond in the sum of Rs.1,00,000/- with one surety of the like amount to the satisfaction of the learned Trial Court with directions that he shall not make any contact with the complainant and her family members, shall not leave the country and shall not commit any offence whatsoever and in the event of any FIR being registered against the applicant, the State shall bring it to the notice of this Court forthwith.

The application stands disposed of.

Copy of the order be given Dasti under the signatures of the Court Master.

ANU MALHOTRA, J

FEBRUARY 13, 2020
'neha chopra'