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

+ **BAIL APPLN 253/2020**

SANGITA MANJHI

..... Petitioner

Through: Mr. Neeraj Kumar Singh, Advocate

versus

STATE

..... Respondent

Through: Dr. M.P. Singh, APP for State with
I.O. SI Sarita Yadav
Mr. Sumer Kr. Sethi, Advocate for
complainant

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

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18.06.2020

CRL. M. (BAIL) 6451/2020

1. On the last date of hearing, although the present application was filed only for grant of interim bail however, learned counsel for the petitioner submitted that his application be also considered on merits.
2. Learned APP for the State as well as learned counsel for the complainant had no objection to the same. Accordingly, BAIL APPLN. 253/2020 is taken up for hearing on merits.
3. In view of the above, learned counsel for the petitioner seeks leave to withdraw the present application seeking granting of interim bail.
4. The present application is dismissed as withdrawn.

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BAIL APPL 253/2020

1. The present application has been filed seeking regular bail in FIR No.87/2019 registered under Sections 363/370/372/373/376/120B/34 IPC and Section 6 of POCSO Act at Police Station Baba Haridas Nagar, Delhi.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is in custody since 01.08.2019. He submits that no allegation of Section 376 IPC has been levelled against the present petitioner.

3. Learned counsel for the petitioner submits that the charge framed against the present petitioner is under Sections 370/370A/372/373/ r/w Section 120B IPC. He submits that bare reading of the statements of the child victim under Section 161 Cr.P.C. as well as 164 Cr.P.C. would show that the allegations are against the main accused, Rajesh and it has been stated that Rajesh, not only physically exploited the victim but also forced the victim to be exploited by others. He submits that as per the statement of the child victim, she stayed with Rajesh's wife Sapna who has not been made an accused. He further submits as per the allegations, Sapna handed over the custody of the victim to the present petitioner who passed her on to another person who took her to Bareilly from where she was able to call her brother, who rescued her.

4. Learned counsel for the petitioner submits that besides the above statement, there is no allegation against the present petitioner.

5. D. M.P. Singh, learned APP for the State, duly assisted by Mr. Sumer Kr. Sethi, Advocate appointed by Delhi High Court Legal Services

Committee for the complainant, has vehemently opposed the bail application. He submits that the petitioner is part of chain of persons involved in trafficking the child victim and the petitioner has accepted her custody and passed on the same to the next person. He further submits that although the petitioner was not found on the address given in the bail application, however, on further verification, the address given by the petitioner's uncle at H.No.109, Ganesh Nagar, Pandav Nagar Complex, Delhi has been verified.

6. Looking into the totality of the facts and circumstances of the case and the fact that the petitioner is in custody since 01.08.2019, the petitioner is admitted to bail on her furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/Duty MM/concerned court subject to the following conditions:-

- (i) The petitioner shall not leave the jurisdiction of NCT of Delhi during the period of her release without the prior permission of the concerned Court.
- (ii) The petitioner shall not try to get in touch with the complainant or any other prosecution witness directly or indirectly and shall not make any effort to tamper with the evidence.
- (iii) The petitioner shall provide her mobile/landline number and residential address to the IO, SI/SHO PS Baba Haridas Nagar, Delhi and in case of any change in the same, shall

bring it to the notice of IO, SI/SHO PS Baba Haridas Nagar, Delhi as well as to the concerned court.

- (iv) The petitioner shall keep her mobile/landline number operational during the pendency of the trial and shall report to the IO, SI Sarita Yadav on her mobile No.9968426800, P.S. Baba Haridas Nagar, Delhi (telephonically during the period of lockdown) on every Monday and Friday.

7. The date already fixed is cancelled.
8. The application stands disposed of in the above terms.
9. A copy of this order be communicated to the concerned Jail Superintendent as well as to the concerned I.O/S.I./S.H.O. electronically for information and necessary compliance.

MANOJ KUMAR OHRI, J

JUNE 18, 2020

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