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

+ BAIL APPLN. 264/2020

AJAY

..... Petitioner

Through: Mr. A.N. Aggarwal, Adv.
versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Manjeet Arya, APP for State with
SI Sanjeev Choudhary, P.S Delhi
Cantt.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **11.03.2020**

1. The present bail application has been filed seeking regular bail in FIR No. 229/2017 under Sections 366/377/328 IPC and Section 4 of the POCSO Act, 2012.
2. Learned counsel for the applicant submits that the present case has been instituted in order to falsely implicate the applicant as the applicant and complainant are the neighbours. Learned counsel submits that the applicant is in custody since 04.09.2017, who was 22 years of age at the time of the incident. It is submitted that all the material witnesses have been examined. He further submits that the MLC of the victim who was 13 years of age at the time of the incident does not show any external injury. Learned counsel further submits that as per the DNA Examination Report, the rectum swab of the victim did not show any semen stains.
3. On the other hand, learned APP for the State has vehemently opposed the bail. It is contended that as per the DNA Examination Report, the DNA profiles generated from the source of exhibit 3 was found matching with the

DNA profiles generated from the source of exhibit 2a & 5, which were jeans pant and underwear of the accused. It is further contended that the child victim has been examined who has supported the prosecution case.

4. In view of the totality of the facts and circumstances of the case and the fact that all the material witnesses have already been examined, the applicant is admitted to bail subject to his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial court and subject to the following conditions :-

- (i) The applicant will not directly or indirectly make any inducement, threat or promises to the complainant or any witness during the trial or tamper with the evidence.
- (ii) The applicant shall provide the I.O./SHO P.S. Delhi Cantt. with his mobile phone number and residential address and in the event of any change, shall bring the same in the notice of the I.O./SHO.
- (iii) The applicant shall not leave the jurisdiction of the NCT of Delhi without prior permission of the concerned Court.
- (iv) The applicant will remain regularly present before the trial court.

5. With the above directions, the bail application is disposed of.

6. *DASTI.*

MANOJ KUMAR OHRI, J

MARCH 11, 2020

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