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

+ **BAIL APPLN. 628/2020**

JAGAN

..... Petitioner

Through: Mr.Kamlesh Kumar Mishra, Adv.

versus

STATE

..... Respondent

Through: Mr.Mukesh Kumar, APP
Mr.Bibhuti Bhushan, Adv. for the
complainant.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **01.05.2020**

1. The present petition has been taken up for hearing through video conferencing.
2. The petitioner seeks regular bail in FIR No.607/2019 under Sections 376/354D/506/509/34 IPC and also Section 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act') at Police Station Punjabi Bagh, New Delhi.
3. Though notice in the present application was issued on 03.03.2020 and the respondents were granted time to file status report, no status report has been filed till date.
4. The petitioner, who is a 21 years old daily wager has been in custody since 31.10.2019. The allegations in the FIR which was registered on 27.10.2019 on the basis of the statement of the

prosecutrix are that while she was living in a rented accommodation along with her mother, the petitioner along with another boy used to stalk her and pass lewd comments on seeing her. It appears that subsequently the prosecutrix made further allegations, which led to the inclusion of a charge under Section 6 of the POSCO Act.

5. The prosecutrix is duly represented by counsel, who submits, that he has no objection to the petitioner being released on bail.

6. On 30.04.2020, Mr.Mukesh Kumar, learned APP while not disputing the aforesaid position had prayed that the nominal roll and medical record of the petitioner from the concerned jail authorities be called for so as to verify his conduct before considering his request for release on bail.

7. The nominal roll as also the medical record of the petitioner has been received from the jail authorities and nothing adverse is found therein.

8. In these circumstances especially keeping in view the fact that the petitioner has already been in custody for over six months, without commenting on the merits of the case, I am of the view that he has made out a case for being released on bail. Accordingly, it is directed that the petitioner be released on bail, subject to his furnishing a personal bond in the sum of Rs.20,000/- to the satisfaction of the Jail Superintendent. The petitioner will not leave the NCR without the prior permission of the learned Trial Court and will not try to contact any of the witnesses or hamper the trial in any manner. The petitioner will also furnish a mobile phone number on which he can be contacted to the Investigating Officer. The aforesaid mobile number

will be kept operational at all times. In view of the ongoing nationwide lockdown, the Jail Superintendent is directed to ensure that a vehicle is arranged to drop the applicant at his residence.

9. Needless to state that the observations made hereinabove are only prima facie and will not have a bearing on the trial.

10. The bail application is disposed of in the above terms.

11. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

REKHA PALLI, J

MAY 01, 2020

gm