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

+ **BAIL APPLN.1080/2020**

USMAN KHAN

.....Petitioner

Represented by: Mr. Rudra Pratap, Mr.Santosh
Mishra, Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: Ms. Radhika Kolluru, APP for State.
Mr. Panka Udeenia, father of victim.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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08.06.2020

The hearing has been conducted through Video Conferencing.

1. By this petition the petitioner seeks interim bail on the ground of COVID-19 in case FIR No. 450/2018 under Section 376 IPC and Section 6 POCSO Act registered at PS Karol Bagh.
2. Case of the petitioner is that COVID-19 is also spreading in Rohini Jail. He further states that the wife of the petitioner is alone and there is no one to look after her. She is drained of the funds and thus interim bail be granted to the petitioner so that he can provide her some financial support.
3. The above-noted FIR was registered on the complaint of mother of the victim child aged 3 and a half years who was a student in a school. The petitioner was a cab driver who used to ferry the victim from the residence to the school and back to the residence. The mother of the victim found that her daughter was not feeling well and her behaviour was also changing. On

23rd February, 2018 at night she noticed blood oozing out when the child was urinating and when she spoke to the child, the child complained that the petitioner use to insert fingers inside her vagina. The statement of the prosecutrix was recorded under Section 164 Cr.P.C. and on medical examination the MLC noted '*abrasion and induration noticed around vaginal introitus. Hymen seems intact... Age of injury: recent*'.

4. After charge under Section 6 POCSO Act and Section 376 IPC was framed, the victim and her parents have already been examined.

5. The family of the petitioner comprises of his wife, however the other family members of the petitioner i.e. his parents, brother are also living in the same house but having a different ingress outgress.

6. A report has also been received from the Superintendent Rohini Jail which indicates that 15 inmates had suffered COVID, however they were isolated and there is no COVID patient who is intermingling with the rest of the inmates.

7. Considering the report from the Superintendent Rohini Jail and the seriousness of allegations, this Court finds no ground to grant interim bail to the petitioner.

8. Learned counsel for the petitioner states that the petitioner would get encashed FDRs/ bank deposits so that the wife of the petitioner can utilize the funds for her survival. In case any request is received from the wife of the petitioner and she brings forms etc., to be signed by the petitioner for encashment of the fixed deposit/ amount in the bank account, the same be permitted by the Superintendent Rohini Jail.

9. Application is disposed of.

10. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

JUNE 08, 2020
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