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

+ **BAIL APPLN. 1305/2020**

SANDEEP

..... Petitioner

Represented by: Mr. Brijesh Pandey, Adv.

versus

STATE

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP for
State.

Mr. Rajeshwar Parmar, I.O.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

25.06.2020

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The hearing has been conducted through Video Conferencing.

1. By this petition the petitioner seeks regular bail in case FIR No. 442/2018 under Sections 363/366 IPC and Section of the POCSO Act registered at PS Palam Village.
2. Learned counsel for the petitioner contends that the only allegation against the petitioner was that the petitioner was found taking away the minor girl child aged 3½ years towards the park. Since no overt act is attributed, Section 10 POCSO is not applicable.
3. The allegations against the petitioner are that on 19th November, 2018 the victim who was a 3½ year girl was playing with her elder sister aged 5 years when the petitioner caught hold of the minor child aged 3½ years and started taking her towards the park. The elder sister of the victim immediately came to her mother and informed. In the meantime crowd also gathered and caught hold of the petitioner and started beating him.

4. The petitioner is in custody since 20th November, 2018. However, during the course of trial only mother of the victim has been examined who has supported the prosecution case that her elder daughter came and informed her that the petitioner took away the minor child aged 3½ years to the park, she immediately ran and also shouted, at that time the crowd gathered and also caused injuries to the petitioner.
5. Considering the fact that the 5 year old elder sister of the victim is also a witness and her statement would be the most material evidence giving the complete sequence of events, and that the petitioner was staying alone in the vicinity of the victim's house, at this stage, this Court is not inclined to grant bail to the petitioner.
6. Petition is dismissed.
7. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

JUNE 25, 2020
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