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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1539/2020 & CRL.M.As.8333/2020, 8334/2020 & 8353/2020**

INAMUL HAQ

..... Applicant

Through: Mr. Bharat Dubey, Ms. Shubhlaxmi Dubey and Ms. Divyasha Dubey, Advocates.

versus

THE STATE

..... Respondent

Through: Ms. Manjeet Arya, APP with SI Nidhi Malik.

CORAM:**JUSTICE PRATHIBA M. SINGH****ORDER**

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15.07.2020

1. This hearing has been done by video conferencing.
2. The Applicant in this case seeks bail under Section 482 Cr.PC. Charge sheet has been filed against various accused persons under Sections 370/373/182/211/120B IPC & Sections 4/17 of The Protection of Children from Sexual Offences (POCSO) Act, 2012. The incident involves a 13 year old child. The case of the Applicant is that he is not an accused in the matter and the Court has, in fact, accepted him as a prosecution witness and hence he is an approver. Mr. Bharat Dubey, ld. counsel appearing for the Applicant submits, that in view of the legal position as held in *Prem Chand vs. State, 27 (1985) DLT 256* and *Shammi Firoz vs. The National Investigation Agency [BAIL APPL. No. 6203 of 2010, decided on 14th October, 2010]*, an approver is permitted to approach this Court for release.
3. Mr. Dubey, ld. counsel further submits that admittedly it is only upon

the statement of the Applicant that the other accused are likely to be convicted. Further, he undertakes on his client's behalf that the Applicant will appear before the Id. Sessions Judge at the appropriate time and disclose all the true facts. He also submits that the Applicant has already recorded his statement before the Id. Metropolitan Magistrate. It is also submitted that all the accused have already been released on bail. Id. counsel for Applicant, thus, prays for bail.

4. Ms. Manjeet Arya, Id. APP submits that the Applicant is step grandfather of the victim. There are various allegations against him, but she does agree that vide an order of the Id. Sessions Judge, the Applicant has been turned into an approver.

5. Under these circumstances, the Applicant is admitted to bail on the following terms and conditions:

- (i) The Applicant would reside in Delhi with his daughter. The address of the Applicant would be disclosed to the Jail Superintendent as well as the Investigating Officer (*hereinafter, 'IO'*) at the time of accepting bail bond.
- (ii) The Applicant shall also give a live mobile number of himself and also of his daughter to the IO and shall be in touch with the IO on a regular basis.
- (iii) The Applicant shall be released upon furnishing a bail bond to the tune of Rs.10,000/- along with a surety of equal amount from any one family member living with him in Delhi, to the satisfaction of the concerned Duty Magistrate.

(iv) The Applicant may travel to his permanent residence in Bihar, but only after taking permission from the IO and will also inform the IO immediately upon his return.

(v) The Applicant shall participate in the trial court proceedings regularly, whenever the Court requires and get his statement recorded.

6. The petition along with all pending applications is disposed of, in these terms.

PRATHIBA M. SINGH, J.

JULY 15, 2020/dk/A