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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1557/2020**
RAJA @ SHARUKH THROUGH PAROKAR Petitioner
Through: Mr. Parveen Yadav, Advocate

Versus

STATE OF NCT OF DELHI Respondent
Through: Dr. M.P. Singh, APP for State with SI
Nishant, P.S. Welcome
(Mobile No. 8743951652)
Ms. Mallika Parma, Advocate for Complainant

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

% **04.09.2020**

1. The present bail application has been filed on behalf of the petitioner seeking regular bail in FIR No. 254/2019 registered under Sections 328/363/376/34 IPC and Section 4 of the POCSO Act at Police Station Welcome, Delhi.
2. Learned counsel for the petitioner submits that the charge has been framed in the present case and the present petitioner is charged only for the offence punishable under Sections 363/328 IPC. He submits that the petitioner has been in judicial custody since 30.01.2020 and the only role assigned to the present petitioner is of taking the prosecutrix from Delhi to Kashipur which is about 250 Kms. away. He has referred to the statement of *Mazjid Ali* recorded under Section 161 Cr.P.C. He stated that he had rented

out a room to the prosecutrix and the co-accused *Nazim* and that both of them stayed at the rented accommodation for about 2½ months. He has also referred to the statement of *Abdul*, the *Maulvi* who had performed the *nikah* between the prosecutrix and the co-accused. It has been stated in his statement that the prosecutrix had stated her age to be 18 years. Learned counsel for the petitioner further submits that during investigation, the CCTV footage from the camera installed outside the school, from where the prosecutrix was allegedly kidnapped, was also not seized by the I.O.

3. Learned APP for the State duly assisted by learned counsel for the Complainant has opposed the bail application. Learned APP for the State submits that the prosecutrix was aged about 16 years of age at the time of the offence. He, however, on instructions, confirms that the only charge framed against the present petitioner is for the offence punishable under Sections 363/328 IPC.

4. Keeping in view the totality of the facts and circumstances of the case and the charge framed against the petitioner, he is admitted to bail on his furnishing a personal bond in the sum of 25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/Duty MM/concerned Court and subject to the following conditions:-

- (i) The petitioner shall not get in touch with the prosecutrix or any prosecution witnesses directly or indirectly and shall not make any effort to tamper with the evidence.
- (ii) The petitioner shall remain available on his mobile number i.e., 8193969198/ 9917675119 which he undertakes to keep operational during the trial and in case of change of contact details shall immediately inform the same to the I.O. as well as the concerned Court.

(iii) The petitioner shall regularly appear before the Trial Court.

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

6. A copy of this order be communicated to the concerned Jail Superintendent electronically.

MANOJ KUMAR OHRI, J

SEPTEMBER 04, 2020

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