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

+ BAIL APPLN. 1581/2020

ANIL KUMAR

..... Applicant

Through Mr. M.P. Sinha, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through Ms. Meenakshi Dahiya, APP for the
State with SI Nazma Khan.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

05.08.2020

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Hearing has been conducted through Video Conferencing.

This is an Application under Section 439 Cr.PC seeking Interim Bail for a period of 45 days in case FIR No. 3086/2015 registered at Police Station Mehrauli under Sections 376/506 IPC & Section 4 of POCSO Act.

Interim Bail has been sought on the medical ground of wife of the Applicant who is suffering from heavy bleeding on account of a suspected case of ovarian tumour and pelvic inflammatory disease, with prominent adnexal vessels and uterine and ovarian problems. Medical records have been filed.

Learned Counsel for Applicant submits that victim is presently living with her maternal grandmother and the Applicant is her maternal grandfather, who has been falsely implicated.

He also draws attention of the Court to the statement made by the victim, who was recalled for examination under Section 311 Cr.PC, on 04.02.2020, wherein she has stated that false complaint had been lodged at the behest of her step-father.

Status Report has been filed.

Medical documents of the Applicant's wife have been verified and found to be genuine.

Investigating Officer is present in Court and submits that she met the victim and spoke to her at length. In her opinion the victim is not averse to the Applicant coming home.

Ms. Meenakshi Dahiya, Learned Additional Public Prosecutor submits that according to the Status Report all material witnesses have been examined. Prosecutrix was examined earlier and was thereafter recalled for examination, when an Application under Section 311 Cr.PC filed by the Applicant, was allowed by the Trial Court.

Status Report substantiates the stand of Learned Counsel for Applicant that on 04.02.2020, Prosecutrix has stated that she was forced to register a false case against her maternal grandfather by her step-father.

Victim has appeared in Court and I have spoken to her at some length.

I have heard learned Counsel for the Applicant and the learned Additional Public Prosecutor.

Having heard the arguments and perused the status report as well as the Nominal Roll, Court is of the view that the Applicant is entitled to Interim Bail. Applicant is accordingly admitted to Interim Bail for a period of 45 days from the date of his release from Jail, subject to his furnishing a

personal bond in the sum of Rs. 20,000 with Surety Bond of a like amount, to the satisfaction of the Duty Magistrate.

Bail is granted subject to the following conditions:-

- (i) Applicant shall not leave the jurisdiction of NCT of Delhi without prior intimation to the concerned SHO/I.O.
- (ii) Applicant shall not extend any threats to the prosecutrix or any other prosecution witnesses, directly or indirectly, till such time he is on bail.
- (iii) Applicant shall also provide his mobile number to the concerned S.H.O / IO and shall keep his mobile phone operational at all times. He shall also communicate with the concerned S.H.O/I.O telephonically, every Monday and Thursday between 10.00 a.m. – 10.30 a.m.
- (iv) Applicant shall “drop-a-pin” on the Google Map so that the S.H.O/I.O. can verify the presence and location.
- (v) Applicant shall surrender on the date of expiry of the Interim Bail before the concerned Jail Superintendent.

Application is disposed of in the above terms.

Copy of the Order be sent to the concerned Jail Superintendent for information and necessary action.

JYOTI SINGH, J

AUGUST 05, 2020/yo