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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. No. 1703/2020**

JANAK LALI

..... Petitioner

Through: Mr.Aditya Aggarwal, Advocate

versus

STATE OF NCT OF DELHI..

..... Respondent

Through: Mr.Kamal Kumar Ghei, APP for
State

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

22.07.2020

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(hearing through Video Conferencing)

The applicant has sought the grant of regular bail in relation to FIR No.392/2019, PS Sangam Vihar under Sections 323/363/376/506 of the Indian Penal Code, 1860 and Section 17 of the POCSO Act, 2012.

It has been submitted on behalf of the applicant that the applicant has been falsely implicated and that there is no role attributed to the applicant in the statement under Section 164 of the Cr.P.C. made by the prosecutrix and what she has sought to assert is only to the effect that the applicant was allegedly present at her house where the co-accused Rahul allegedly raped her was present. It has been submitted on behalf of the applicant that as per the averments made in the statement which form the basis of the FIR, it has been sought to be submitted that the applicant was present in room where the co-accused Rahul had taken her and asked the applicant to move out of

the room whereafter the co-accused Rahul had allegedly raped the prosecutrix but that the same is not asserted in her statement under Section 164 of the Cr.P.C., 1973.

On behalf of the State, it has been submitted that the applicant is apparently involved in flesh trade and the minor prosecutrix has been sexually assaulted in connivance with the applicant and that furthermore, the statement under Section 164 of the Cr.P.C. of the prosecutrix also indicates the presence of several other girls present there who had allegedly stated that if she wanted to earn money she would have to come into that line.

Though as per the record the charge sheet has been filed there is further investigation yet to be conducted in relation to the CDR details of the applicant and the FSL result is also yet to be placed on record by the State. Presently, the statement made under Section 164 of the Cr.P.C. of the prosecutrix does not suffice for the grant of the bail to the applicant in view of the gravity of the allegations levelled against the applicant in view of the factum of the petitioner being allegedly aware of the misdeeds for which the prosecutrix was brought to the house of the petitioner.

As regards the submission made on behalf of the applicant that there is no proof on the record to indicate that the house where the prosecutrix was taken belongs to the applicant and the other reliance as placed on behalf of the applicant qua the proceedings dated 2.12.2019 at the time of the grant of police custody remand of the applicant which had been sought by the Investigating Agency to know the whereabouts of those girls and other associates of accused Janak Lalli @ Anjali who were involved with her, it was submitted on behalf of the applicant that there was no one in the house.

As observed herein above, without any observations on the merits or

demerits of the trial that would take place, the presence of the applicant at the place where the prosecutrix was allegedly sexually assaulted and that the same was apparently done within the knowledge of the applicant, in the circumstances, there is no ground for grant of bail. The application is declined. However, the State is further directed to expedite the verification CDR details of the applicant as well as the submission of the FSL report preferably within 60 days and on submission of the same it may be open to the applicant to seek redressal in accordance with law, if any.

ANU MALHOTRA, J

JULY 22, 2020/sv