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

+ BAIL APPLN. 1914/2020

PRADEEP SINGH RAWAT

..... Petitioner

Through: Mr.Rajat Katyal and Mr.Shrey
Sharawat, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Dr.M.P.Singh, APP for State along
with IO, W/SI Seema, P.S. Dwarka
North (M-9873704082).
Ms.Mallika Parmar, Advocate for the
complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

% **18.09.2020**

1. The present application has been filed on behalf of the petitioner seeking regular bail in FIR No.0194/2018, registered under Sections 363/328/376 IPC and Section 4 of the POCSO Act at Police Station Dwarka North, Delhi.
2. Mr. Rajat Katyal, learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He submits that as per the case of the prosecution, the petitioner was living across the house of the prosecutrix, who was living on rent. Allegedly, on the evening of 06.07.2018 at about 8 p.m., while the prosecutrix was on her way to the

market, she was given some stupefying substance by the petitioner and taken to the spot where he committed the offence in question. Learned counsel has referred in detail, to the statements of the prosecutrix recorded during the investigation under Section 161 Cr.P.C as well as Section 164 Cr.P.C and her testimony in the Court. As per the prosecution case, it is the version of the prosecutrix that during the scuffle, scratch marks were given on the body of the prosecutrix, which are reflected in her MLC.

3. Learned counsel contends that the scientific evidence placed on the record belies the case of the prosecutrix, as the DNA Report is in negative. He further submits that even the Chemical Report did not detect any stupefying substance especially when the samples were taken immediately after the incident. He has also referred to the petitioner's CDR chart, as per which, the petitioner has continuously made calls from 7:56 p.m. onwards. He submits that the petitioner made a call at 07:56:50 pm for about 299 seconds; another call was made by him at 8:10:51 p.m. for about 106 seconds; one at 8:25:33 p.m. for about 1456 seconds and the last call on that day was made by him at 9:02:38 p.m. for about 183 seconds. He thus submits that neither the scientific evidence nor the CDR chart support the case of the prosecution. He has also referred to the cross-examination of the prosecutrix wherein she has stated that at the time of the alleged incident, there were many people were in the street. Lastly, it is submitted that the petitioner being 27 years of age, has been in custody since 07.07.2018 and all the material witnesses in the case have been examined.

4. Dr. M.P.Singh, learned APP for the State, duly assisted by Ms. Mallika Parmar, learned counsel for the complainant, on the other hand vehemently opposes the bail application. He submits that the prosecutrix has

consistently stated about the incident and that the petitioner is the person who has committed the offence. He has referred to the MLC of the prosecutrix wherein it is mentioned that the hymen was found torn and scratch marks were also found on the arms. He submits that even the testimonies of the parents of the prosecutrix support the prosecution case.

5. I have heard the learned counsel for the petitioner as also the learned APP for the State, who is duly assisted by learned counsel for the complainant and have perused the case records.

6. The prosecutrix as well as her parents have already been examined. During the course of hearing, it is informed that the prosecutrix is no more living at the same place and has shifted from there.

7. Keeping in view the DNA analysis report, CDR chart and the fact that the prosecutrix as well as her parent are already examined & discharged, the petitioner is admitted to bail, on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/Duty M.M./concerned Trial Court, subject to the following further conditions:-

- (i) The petitioner will not leave the NCT of Delhi without prior permission of the concerned Court.
- (ii) The petitioner will remain available on his mobile number: 9999109126, which he undertakes to keep operational at all times during the period of trial.
- (iii) In case of change of address or contact details, the petitioner shall promptly inform the same to the concerned IO/SHO as well as the concerned Court.
- (iv) The petitioner shall not directly or indirectly get in touch

with the prosecutrix or any other prosecution evidence and shall not try to tamper with the prosecution evidence in any manner.

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

8. The application stands disposed of accordingly.

9. Nothing stated hereinabove shall be considered as an expression on the merits of the case as the observations are only *prima facie* and made for the purpose of deciding the present bail application.

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

MANOJ KUMAR OHRI, J

SEPTEMBER 18, 2020

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