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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1977/2020**

RAHUL CHAUDHARY Petitioner
Through: Mr. Arjun Singh, Advocate.

Versus
STATE Respondent
Through: Ms. Radhika Kolluru, APP for State
with SI Neeru, P.S. Sagarpur.
Prosecutrix along with her father
present in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER
% **31.08.2020**

1. The present application has been filed under Section 439 r/w Section 482 Cr.P.C. seeking regular bail in FIR No. 198/2019 registered under Sections 376/363/506/368 IPC r/w Section 6 of the POCSO Act at P.S. Sagarpur.
2. Mr. Arjun Singh, learned counsel for the petitioner submits that the petitioner is 19 years old and is in judicial custody since 17.05.2019. It is submitted that even as per the statement of the prosecutrix recorded under Section 164 Cr.P.C., the prosecutrix was known to the sister of the petitioner. The prosecutrix and the petitioner have been friends on Facebook for the last 1-2 years. On 18.04.2019, they met each other and roamed around the whole day on petitioner's scooty. On the next day, they went to Ujjain by train and stayed in 2-3 hotels. Learned counsel further submits that

the prosecutrix went with the petitioner on her own will and in fact was ready to marry the petitioner. Learned counsel for the petitioner submits there is variance in the two statements of the prosecutrix recorded during investigation. Learned counsel lastly, submits that in case the petitioner's bail is considered, he shall remain available on his mobile number i.e. 9999243371 which he undertakes to keep operational during the period of his release.

3. Ms. Radhika Kolluru, learned APP, on the other hand, has opposed the bail application. She states that at the time of the incident, the prosecutrix was little less than 16 years of age. She further states that the prosecutrix has stated in her statement that in the hotel at Ujjain, the petitioner had pressed her chest however, she refused to have sex with the petitioner. Further, he had inserted his finger in her private part and also licked it.

4. The prosecutrix along with her father has joined the V.C. proceedings. They have been identified by IO SI Neeru of P.S. Sagarpur. The father of the prosecutrix states that they have no objection in case the petitioner's bail is considered favourably.

5. Keeping in view the age of the petitioner, the period of custody, no objection given by the father of the prosecutrix and the facts and circumstances of the case, the petitioner is admitted to bail, subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the Jail Superintendent/Duty M.M./Concerned Court and subject to further following conditions :-

1. The petitioner shall remain available on his mobile phone number i.e. 9999243371 which he undertakes to

keep operational during the period of his release.

2. The petitioner shall not leave the NCT of Delhi without prior permission of the concerned Court.

3. The petitioner shall report to IO SI Neeru on her mobile no. 7073132576 on every Monday during the period of his release.

4. The petitioner shall stay at his given address and in case of any change, the same shall be brought into the notice of the IO as well as the concerned Court immediately.

5. The petitioner shall not try to get in touch with the prosecutrix or any other prosecution witness directly or indirectly or tamper with the evidence.

6. The petitioner shall regularly appear before the trial court.

6. The application is disposed of in the above terms.

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

MANOJ KUMAR OHRI, J

AUGUST 31, 2020

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