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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1142/2019**
RAJIV KUMAR Petitioner
Through: Mr. Shailendra Singh and Gitanjali
Malviya, Advocates

Versus

STATE (NCT OF DELHI) Respondent
Through: Dr. M.P. Singh, APP for State
Ms. Inderjeet Sidhu, Advocate for complainant
with complainant in person

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
% **24.01.2020**

1. The present bail application has been filed seeking bail in FIR 0035/2018, initially registered under Section 363 IPC P.S. Shakarpur. Subsequently after investigation, charge-sheet was filed under Sections 363/376/34 IPC and 4/6 POCSO Act.
2. Learned counsel for the petitioner submits that he has been falsely implicated in the present case and is in judicial custody since 05.05.2018. He submits that 5 out of 15 witnesses including the prosecutrix and the public witnesses have been examined. He further submits that the prosecutrix in her testimony has not fully supported the prosecution case. She deposed that she was in constant touch with Aman after meeting in one of the banquet halls. She left her house on 16.01.2018 along with her belongings. In her testimony, the prosecutrix did not level any allegation against the petitioner.

3. Learned APP for the State, duly assisted by the learned counsel for the prosecutrix, has opposed the bail application. He submits that co-accused Aman was a juvenile. He also submits that though the prosecutrix at the time of incident was about 15 ½ years of age and is presently 17 ½ years of age. He, on instructions, submits that all the public witnesses have been examined. Learned counsel for the prosecutrix, on instructions from her, submits that the prosecutrix is living with co-accused Aman.

4. In view of the facts and circumstances of the case and the fact that the petitioner is in judicial custody since 05.05.2018, the petitioner is admitted to bail, subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the trial court and subject to the following conditions :-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promises to the complainant or any witness during the trial or tamper with the evidence.

(ii) The petitioner shall provide the I.O./S.H.O. Police Station Shakarpur, Delhi with his mobile number and in the event of change of his residential address, shall inform the same to the I.O./SHO as well as to the concerned Court.

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

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

6. ***DASTI.***

MANOJ KUMAR OHRI, J

JANUARY 24, 2020/na
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