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

+ **BAIL APPLN. 2105/2020**

VISHAL PANCHAL

..... Petitioner

Through

Mr.Pratap Singh with Mr.Arun
Yadav, Mr. G. D. Kaushik and Mr.
Sandeep Kaushik, Advs.

versus

GOVT. OF NCT OF DELHI

..... Respondent

Through

Mr. P. L. Sharma, APP for State, SI
Anju, PS Vijay Vihar.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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26.08.2020

The hearing has been conducted through video conferencing.

1. Present petition has been filed by the petitioner under section 439 Cr.P.C. for grant of regular bail in pursuance to FIR No.176/2019 for the offences punishable under Sections 376/506/384 IPC& 4/6/12 POCSO ACT registered at Police Station Vijay Vihar.
2. The present petition is filed on the ground that accused was arrested on 18.07.2019 and thereafter was sent to judicial custody. He is no more required for further investigation. As per version of FIR, the Prosecutrix was in relation with JIL Mohit for last about 2 years from date of registration of FIR and thereafter Prosecutrix had relation with accused Vishal Panchal about 1 year back from the date of registration of FIR. The present FIR has been got registered at a much belated stage which shows that story has been fabricated in order to send the accused person behind the bars. The version of the FIR

statement, her statement under Section 164 and under Section 161 Cr.P.C. are totally different and has got no consistency. The prosecutrix tried to improve her version every time thus it is clear that she was tutored for giving the statement every time before the police, learned Magistrate under Section 164 Cr.P.C. and then under Section 161 Cr.P.C. No such record of hacking of the email Id of the Prosecutrix previously is filed along with the charge sheet and the matter was never reported to police in this regard which shows that the present FIR is totally a cooked up story. As per the version of the disclosure statement of accused petitioner herein, the relations with Prosecutrix were in public places and he was not aware about the Prosecutrix being minor. Without prejudice to right and contentions, it is stated that in case the present version of FIR is taken then there is no offence of rape and Under POCSO Act as mentioned in the FIR.

3. The main allegation of the prosecutrix was that petitioner used to send vulgar message and had taken obscene videos but this fact has not been established either from the phone of the petitioner nor from the prosecutrix, which has not been disputed by learned APP on instructions from the IO.

4. In view of the facts recorded above, I am of the opinion that petitioner deserves bail.

5. Accordingly, he shall be released on bail, forthwith if not required in any case, on his furnishing a personal bond of Rs.15,000/- and a surety of the like amount to the satisfaction of Trial Court

6. Petitioner shall not directly or indirectly influence any witness or tamper with the evidence.

7. The Trial Court shall not get influenced by the observation made by this Court while passing the order.

8. The petition is, accordingly, allowed and disposed of.
9. Copy of this order be transmitted to the Jail Superintendent concerned and Trial Court for information and necessary compliance.
10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email

SURESH KUMAR KAIT, J

AUGUST 26, 2020

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