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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2137/2019**

JASWANT KUMAR

..... Petitioner

Through Mr.S.H. Ansari, Adv. with Ms.Rohini
Vijh, Adv.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through Mr. Amit Chadha, APP for State.
SI Kiran Sethi Insp.Sunil Kumar
Gupta ASI Rajesh PS Anand Parvat.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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17.02.2020

The present petition is filed under section 439 Cr.P.C. read with section 482 Cr.P.C. for grant of regular bail in pursuance to FIR No.236/2016 registered at Police Station Anand Parbat for the offences punishable under sections 376/342 IPC & section 6 of POCSO Act.

Case of the petitioner is that he has neither been previously convicted nor involved in any other case. He has been falsely implicated in this case at the behest of her family members and relatives because the prosecutrix herself used to like the petitioner but it was petitioner who did not want to have any relationship with her as he belongs to a lower caste community. Due to these reasons, a verbal altercation took place on 07.05.2016 between them. During the course of altercation, in a fit of rage and anger, she snatched mobile phone of petitioner and broke it by throwing it on the floor. This incident brought the attraction of the family members of prosecutrix towards her relation with petitioner. During the course of conversation, a

quarrel took place between the petitioner and family members of the prosecutrix. Initially, they were against their daughter/prosecutrix but after 3 days i.e. on 10.05.2016, they hatched a conspiracy which resulted in lodging present FIR on the basis of a concocted story only with a malafide intention to teach a lesson to petitioner.

It is not in dispute that the alleged incident took place 07.05.2016 and complaint was made to the police on 10.05.2016.

It is also not in dispute that the injury alleged in the incident on 07.05.2016, MLC was conducted on 10.05.2016. However, there is no explanation regarding delay in registration of FIR, except that the landlord threatened not to take any action against the petitioner.

However, without commenting upon the merits of the case, I am of the view that the present case is fit for bail. Accordingly, the petitioner shall be released on bail on his furnishing personal bond in the sum of ₹15,000/- with one surety of the like amount to the satisfaction of Trial Court.

Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the case. The Trial Court shall not get influenced by the observations made by this Court, while passing the final orders in the trial.

The petition is, accordingly, allowed and disposed of.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for compliance.

Order *dasti* under the signatures of Court Master.

SURESH KUMAR KAIT, J

FEBRUARY 17, 2020/ab