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

\+ BAIL APPLN. 2220/2019

ALOK KUMAR ..... Petitioner

Through: Counsel for petitioner.

versus

STATE ..... Respondent

Through: Mr. Kewal Singh Ahuja, APP for State
Prosecutrix is present.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

O R D E R

% 16.01.2020

Vide the present application, the applicant seeks grant of bail in relation to the FIR No.331/2018, PS Hauz Khas, under Section 376 of the Indian Penal Code, 1860 and Section 6 of the POCSO Act, 2012 submitting *inter alia* to the effect that the applicant has been falsely implicated in the instant case.

During the course of the submissions made in the present matter, a submission was made on 05.12.2019 that the applicant at the time of the alleged commission of the offence was a juvenile in as much as his date of birth was 08.08.2002. On behalf of the State reliance was placed on the copy of the admission application made to the Government Sarvodya Co-ed Vidyalaya dated 01.02.2019 in relation to the student Alok Kumar, s/o Ganesh Prasad with his date of birth being 01.07.1998 with reliance placed on behalf of the State on Rule 12 of the Juvenile Justice (Care and Protection) Rules, 2016 to contend to the effect that the school certificate would have precedence over the birth certificate.

In as much as reliance was placed on behalf of the petitioner on the birth certificate issued by the Government of Bihar, Department of Planning and Development dated 01.07.2019 with the date of birth of the applicant being shown as 08.08.2002 with the place of birth stated to be Priya Materniti Home, Sultanganj, the State was directed to verify the records of the said Priya Materniti Home, Sultanganj in relation to the birth certificate issued, which verification has since been conducted by the State with it having now been reported vide the status report to the effect that the certificate issued by the Priya Materniti Home, Sultanganj, Bihar had been verified and is borne out to be correct.

In as much as the date of the alleged commission of the offence is between period from 01.05.2018 to 31.05.2018, the applicant apparently was a juvenile at the time of the alleged commission of the offence.

In the circumstances, the applicant is allowed to be released on bail during the pendency of the trial on filing a bail bond of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned trial Court with directions that he shall not leave the city and shall not make any contact with the complainant and shall appear before the learned trial Court on each and every date of hearing.

The bail application is disposed of.

Copy of the order be given Dasti, as prayed.

ANU MALHOTRA, J

JANUARY 16, 2020
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