

SAMUEL **VERSUS** **..PETITIONER**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

4. Learned counsel for the petitioner contends that the FIR has been registered on the basis of the statement of the father of the victim alleging that the victim is 16 years old and she has been kidnapped by the petitioner. It has been submitted that the petitioner is also known by the name of Ashish. The statement of the victim under Section 164 Cr.P.C has been recorded and she has not imputed allegation with regard to kidnapping against the petitioner. The version of the victim in her statement under Section 164 Cr.P.C is to the effect

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that she had voluntarily accompanied the petitioner and no allegation with regard to sexual abuse has been attributed. The petitioner is in custody for a period of 04 months and 12 days and not involved in any other case. The investigation of the case is complete and challan has been presented.

5. On instructions from ASI Parveen, learned State counsel submits that though the challan has been presented but the charge is yet to be framed and the statement of the victim is yet to be recorded.

6. It is significant to note that in the statement under Section 164 Cr.P.C, the victim has not imputed any allegation of sexual abuse against the petitioner. Even, she has not uttered any word to indicate that the petitioner had exercised any pressure, threat, influence upon her or allured her to accompany him. The petitioner is in custody for a period of 04 months and 12 days and not involved in any other case. The cus todial interrogation of the petitioner is complete and challan has been presented. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

7. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. The petition is allowed accordingly.

04.09.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No