

2023:PHHC:081951

CRM-M-30260 of 2023
Date of Decision: June 12, 2023

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

DEEPAK GUPTA, J.(Oral)

Victim is a ten year old girl. Petitioner was allegedly having illicit relations with the mother of the victim. Mother of the victim used to frequently visit the house of the petitioner. Present FIR has been lodged on the complaint of father of the victim as per which petitioner used to visit his house to meet his wife and on the day when victim was alone, petitioner touched her private parts with bad intention and forcefully tried to take her along with him. At that time, wife of the complainant, i.e. mother of the victim was present and when the victim told the said fact to her mother, she told her that she had sold her to the petitioner for consideration of ₹50,000/- and in case she discloses the said fact to anyone, she will kill her and her father.

It is contended by learned counsel that the petitioner has

been falsely implicated; that FIR has been lodged with an ulterior motive and complainant is not having cordial relations with his wife and that she has even filed a petition under Section 12 of the Protection of Women from Domestic Violence Act against the complainant and her mother-in-law. It is further alleged that he had even given a loan of ₹1,50,000/- to the complainant in April, 2021, who had assured to return the same regarding which a writing was also executed.

Notice of motion.

Mr. Randhir Singh, Addl. AG, Haryana, accepts notice on behalf of the respondent- State. Mr. Siddharth Gulati, Advocate, appears for the complainant and filed his vakalatnama.

Learned State Counsel has strongly opposed the bail petition by pointing out towards the statement of the victim recorded under Section 164 Cr.P.C wherein she specifically alleged that petitioner had once tried to remove her clothes, touched her private parts on the pretext to see that she was a girl or a boy and even tried to take her away and that her mother told her that she had sold her to the petitioner for ₹50,000/-.

Having regard to the statement of the victim, who is just 10 years old and considering the fact that at this stage, there is no reason to disbelieve her, no case is made out so as to grant the benefit of anticipatory bail to the petitioner.

Dismissed.

June 12, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No