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

+ **BAIL APPLN. 202/2023**

OSAMA JAVED

..... Appellant/Petitioner

Through: Mr. Jaideep Malik and Ms. Falak
Mohammad, Advs.

versus

THE STATE ANR

..... Respondents

Through: Mr. Amit Sahni, APP and SI Anil
Kumar, PS Jamia Nagar.
Mr. Nitesh Dhankhar, Adv. with R-2
and father of R-2.

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Date of Decision:07.07.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present application has been filed under section 439 Cr.P.C seeking grant of regular bail in FIR No. 361/2022 under Sections 354/354(D)/356/379/506 IPC and Section 12 POCSO registered at PS Jamia Nagar
2. Brief facts of the case are that the present FIR No. 361/2022 under Sections 354/354(D)/356/379/506 IPC and Section 12 POCSO registered at PS Jamia Nagar was lodged on the statement of prosecutrix A wherein it was alleged that the petitioner was stalking

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and harassing her and he used to stand in the way of the complainant and was putting pressure on the victim for talking to her.

3. It was further alleged that the petitioner extended threats to throw acid on her if she would not talk to him. Complainant alleged that on 30.08.2022 at about 02:00 PM when the complainant reached at her coaching centre ACME carrier point, Nafees Road Batla house, Jamia Nagar, New Delhi the petitioner was already present on the stairs and caught hold of the complainant's hand and on being objected, the petitioner misbehaved and snatched her mobile phone and ran away.
4. After the registration of the FIR the petitioner was arrested on 04.09.2022 and the petitioner is stated to be in custody since then. The charge-sheet has already been filed. The charges are yet to be framed.
5. Learned APP for the State has opposed the bail application and submitted that in fact the petitioner absconded and he was arrested with grave difficulty from Jharkhand. It has been submitted that if the petitioner is released on bail, he may not attend the trial.
6. The complainant/victim is present along with counsel is present in the court today. Learned counsel for the complainant states that as per the instructions he does not want of oppose the bail application and appropriate order may be passed.
7. I have considered the submissions.
8. The accused is in custody from 04.09.2022 and is stated to be of 21 years of age. There are no other criminal antecedents and investigation is already complete.
9. In totality of the facts and circumstances of the case, the petitioner is admitted to bail on furnishing a personal bond of Rs. 20,000/- with



one surety of the like amount subject to the satisfaction of the learned Trial Court subject to the following conditions:

- a) The petitioner shall report to the IO on every Tuesday.
- b) the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- c) the Petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;
- d) In case of change of residential address and/or mobile number, the Petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.

10. In view of the above, the present bail application stands disposed of.

JULY 7, 2023/AR

DINESH KUMAR SHARMA, J

मात्यमेव जयते