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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 1581/2023
ASHOK SINGH @ ASHOK KUMAR Petitioner

Through: Mr. Shubham Rana, Mr. Piyush Goel
& Mr. Yashdeep, Advocates.

Versus

THE STATE OF NCT OF DELHI THR. SHO PS. KHAJURI KHA
..... Respondent

Through: Mr. Amit Sahni, APP for the State.
SI Abhishek, P.S. Khajuri Khas.

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Date of Decision: 24.08.2023

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 under section 439 Cr.P.C filed for bail in case arising out of FIR No. 0524/2022, dated 08.08.2022 under Section 376/366/506/328 IPC and Section 6 of the POCSO, P.S. Khajuri Khas, North-East, Delhi.
2. The supplementary chargesheet was filed by the investigating officer in respect to the accused petitioner/Ashok Singh wherein he concluded that the place of offence was in his possession and during the period of offence he did not maintain any record of visitors, visiting his hotel situated at Sarai Kale Khan in Delhi.



3. The petitioner is in custody since 05.03.2023 admittedly the only material against the petitioner as surfaced in the supplementary charge sheet is as follows:-

“Hence during the course of investigation, accused Ashok Singh@ Ashok Kumar S/o Sh. Kanhaiya Singh was interrogated in depth with respect to the, alleged offence. He disclosed that from a period of January 2019 to July 2020, the place of offence was in his possession and during that period he did not maintain any record of the visitors visiting his hotel. He neither maintained any entry/exit register of the guests nor taken their IDs before letting them enter the hotel. Hence by doing this, accused Sarfaraz has committed an offence Us 376/109 IPC & 6/17/21 POCSO Act. Hence, accused Ashok Singh was arrested It is further submitted that investigation of the case has been completed and keeping in mind all the aspects of investigation, charge-sheet against the accused Ashok Singh @ Ashok Kumar S/o Kanhaiya Singh Rio H.no.5/20C,Sarai Kale Khan, Janta Flats, Delhi- 3 U/S 376/109 and U/S 6/17/21 POCSO has been prepare”.

4. Learned Additional PP has also fairly submitted that this is the material which is surfaced against the petitioner.
5. The law regarding bail is a very well settled. The jurisprudence is more than clear on the point that ordinarily, bail should be granted unless there are exceptional circumstances. The detention during trial cannot be made as punitive detention. The material facts which are required to be considered while grating the bail. There may also be other numerous reasons depending on the facts and circumstances of the case. However, every case has to be taken on its own facts. It is a settled proposition that



at the stage of bail, the court cannot go into the detailed examination of the facts. The appreciation of evidence or making any comment at the stage of bail may also prejudice the prosecution or the accused. At the stage of bail, the court is only to take a prima facie view.

6. In the circumstances, the petitioner is admitted to Court Bail on furnishing of personal bond of Rs. 20,000/- with a surety of like amount. Subject to the satisfaction of the learned Trial Court with the following terms and conditions-
 - a) the Petitioner shall attend the trial regularly;
 - b) the Petitioner shall under no circumstances leave India without prior permission of the Court concerned;
 - c) the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - d) the Petitioner shall provide his/her mobile number(s) to the Investigating Officer;
 - e) 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.
7. However, no expression made here in shall tantamount to be an expression on the merits of the case.
8. With the above directions, the petition stands disposed of.
9. Copy of the order to be sent to the concerned Jail Superintendent for information and necessary compliance.



DINESH KUMAR SHARMA, J

AUGUST 24, 2023/MR

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Signature Not Verified
Digitally Signed By: RAJ
BALA
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