



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

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Reserved on : 10.11.2023

Pronounced on : 01.12.2023

+ **BAIL APPLN. 1708/2023**

RINKU

..... Petitioner

Through: Mr. Manoj Kumar, Advocate.

versus

STATE (NCT OF DELHI)

.... Respondent

Through: Mr. Amit Ahlawat, APP for the State.
with SI Aarushi Rajput, PS Khyala
and SI Yogender, P.S. Vikaspuri.
Mr. Shiv Kumar, Advocate for
Complainant.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. The present bail application has been filed by the petitioner under Section 439 Cr.P.C for grant of regular bail in case FIR No. 431/2019 U/s 323/341/354/506/34 IPC & Section 10 of POCSO Act registered at Police Station Khyala.

2. Briefly stated, the case of the prosecution as per the status report is that the present FIR was registered on the basis of the complaint of complainant "M" in which she alleged that co-accused Ramprasad who is

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the father of Rinku (petitioner herein) had illegally occupied her property. She further alleged that on 18.12.2019, in the evening, when she was standing at her door, co-accused Ramprasad assaulted to outrage her modesty. She further alleged that co-accused Ram Prasad told her that he would undress her as he had done previously the same with Sardar's women in 1984. After that co-accused Ramprasad did hair cut (Kesh of Juri) of complainant's son namely "J" aged 6 years.

3. In the meanwhile other family members of co-accused Ramprasad namely Pinki, Geeta and Somwati came and attacked upon the complainant's daughter, mother-in-law and her neighbour Priyanka with sticks and beaten them. After the registration of the case the investigation went underway and during the course of investigation, statement U/s 164 Cr.P.C. of complainant and her son master "J" was got recorded. The petitioner was arrested on 31.12.2019 and sent to J.C. as there were specific allegations against him in the statement U/s 164 Cr.P.C of Master "J"(son of the complainant.)

4. I have heard the Ld. counsel for the petitioner, Ld. APP for the State assisted by the Ld. counsel for the complainant, perused the Status Report and also perused the records of this case.

5. At the outset, it is submitted by the Ld. Counsel for the petitioner that the petitioner is in J.C. since 31.12.2019 and the maximum punishment provided for the offence U/s 10 of the POCSO Act is 7 years. It is further submitted that no allegations were made by the complainant against the petitioner in her initial complaint made to the police on the basis of which the present FIR was



registered and she made improvements in her statement recorded U/s 164 Cr.P.C. and statement recorded in the Court in which only she levelled allegations against the petitioner. It is further submitted by him that all the material witnesses have been examined and no useful purpose would be served by keeping the petitioner in J.C.

6. On the other hand, Ld. APP for the State assisted by the Ld. counsel for the complainant while opposing the bail application has argued on the lines of the Status Report and further submitted that the allegations against the petitioner are grave and serious in nature.

7. In the present case, the petitioner is in J.C. since 31.12.2019, the material public witnesses have been examined and only official witnesses remain to be examined. The maximum punishment provided for the offences under which the petitioner has been charged is 7 years.

8. Therefore, looking into the length of the custody and also the fact that the material public witnesses have been examined and there are no chances of tampering with the evidence and also the fact that only official witnesses remain to be examined, the application is allowed and the petitioner is admitted to bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Ld. Trial Court. The bail application is disposed of accordingly.

RAJNISH BHATNAGAR, J

DECEMBER 01, 2023

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