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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **BAIL APPLN. 515/2024**

**KISHAN**

..... Petitioner

Through: Mr. Suresh Bharti, Advocate.

versus

**THE STATE (NCT OF DELHI) & ANR**

..... Respondent

Through: Mr. Sanjeev Sabharwal, APP for State  
with SI Rekha Chauhan PS Pandav  
Nagar, Delhi.

Ms. Astha, Advocate (DHCLSC) for  
prosecutrix.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**

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**09.04.2024**

1. By way of present bail application filed under Section 439 read with Section 482 Cr.P.C, the applicant seeks regular bail in FIR No. 143/2023 registered under Sections 363/34, 109 read with Section 376 (1) IPC and Section 17 read with Section 4 of POCSO Act at Police Station Pandav Nagar, Delhi.

2. Learned counsel for the applicant submits that the applicant is in custody since 22.04.2023 and that even from the reading of the FIR, the allegations have been levelled only against accused Ashish and no allegations have been levelled against the present applicant. It is stated that the prosecutrix in the case has been examined wherein again, she has not alleged anything against the present applicant except the fact that when the main accused Ashish has taken the prosecutrix to the place of the incident, the applicant was found sleeping in the said room.



3. Learned APP for the State duly assisted by Ms. Astha, learned counsel for the prosecutrix has opposed the bail application and stated that in her statement under Section 164 Cr.P.C, the prosecutrix has categorically stated that she was taken by three persons.

4. A perusal of the material placed on record would show that the prosecutrix has not levelled even a single allegation against the present applicant either in her initial complaint or in her testimony before the Trial Court. Even in her statement recorded under Section 164 Cr.PC, except saying that she was taken by three persons, she has not taken the name of the present applicant. The prosecutrix has already been examined and her further examination is deferred for want of FSL report.

5. A perusal of the testimony recorded would show that the present applicant was sleeping in the said room and woke up only when the brother of the prosecutrix reached there.

6. Considering the totality of the facts and circumstances, it is directed that the applicant be released on regular bail subject to him furnishing a personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty M.M. and subject to the following further conditions :-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.



- iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.
- 7. The bail application is disposed of in the above terms.
- 8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
- 9. Copy of the order be uploaded on the website forthwith.
- 10. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

**MANOJ KUMAR OHRI, J**

**APRIL 9, 2024/rd**