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

+ **BAIL APPLN. 925/2024**

ZIYAUL HAK

..... Petitioner

Through: Mr. Amit Kumar, Advocate.

versus

THE STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Ashneet Singh, APP for State
with SI Meenakshi PS Wazirabad,
Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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10.04.2024

1. By way of present application filed under Section 439 Cr.PC, the petitioner/applicant seeks regular bail in case FIR No.942/2022 registered under Sections 363/376 IPC and Section 6 of POCSO Act at PS Wazirabad, Delhi.
2. Learned counsel for the applicant states that the applicant has been falsely implicated in the present case. He has referred to the MLC wherein it is stated that the applicant had committed penetration only once. He further submits that the prosecutrix has refused her internal medical examination. He also submits that the applicant is only aged 18 years and that he has been in custody since 09.01.2023.
3. Mr. Ashneet Singh, learned APP for the State on the other hand has opposed the bail application to contend that the prosecutrix in this case was a minor aged 13 years and 5 months on the date of the incident. He further



submits that the charges have been framed and the witnesses are yet to be examined.

4. I have gone through the FIR which has been registered at the instance of the mother of the prosecutrix and during investigation, statement of the victim was recorded under Section 164 Cr.P.C.

5. Considering that the victim is yet to be examined, I find no ground to entertain the present bail application and the same is accordingly dismissed.

6. The trial court shall make an endeavour to examine the victim at the first instance.

MANOJ KUMAR OHRI, J

APRIL 10, 2024/rd