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

+ **BAIL APPLN. 1034/2024**

TARKESHWAR

..... Petitioner

Through: Mr.Saket Kumar and Mr.Rajesh
Sagar, Advocates.

versus

STATE NCT OF DELHI

..... Respondent

Through: Ms.Meenakshi Dahiya, APP for State
with ASI Seema Dhaka, P.S.
Samaipur Badli.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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09.05.2024

1. An application under Section 439 of the Code of Criminal Procedure, 1973 ("Cr.P.C.") has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 0257/2023, under Sections 354/354A IPC and Section 8 of POCSO Act, registered at PS: Samaipur Badli, Delhi. Chargesheet has been filed under Sections 354/354A IPC and Sections 8/10 of POCSO Act.

2. In brief, as per the case of the prosecution, Mother of the victim alleged that on 06.03.2023 while her daughter who is aged about 06 years was playing at her neighbour's place, petitioner sexually harassed her daughter by grabbing her and also bit her on cheeks and below lips. The victim revealed the incident to her mother who in turn revealed the same to her husband which was followed by registration of present FIR on 07.03.2023.

3. Learned counsel for the petitioner submits that petitioner is aged above 40 years and the allegations are improbable as the entire alleged



incident had taken place in presence of other children who were also playing at the spot. He further submits that statement of no other witnesses appears to have been recorded during the course of investigation. It is further urged that petitioner is in custody for more than one year and is not involved in any other case.

4. On the other hand, learned APP for State opposes the application and submits that MLC reflects bite marks.

5. I have given considered thought to the contentions raised.

Admittedly, the alleged incident took place in presence of other children playing at the spot but statement of no other witness has been recorded except for victim. Statement of victim has already been recorded. Considering the totality of the facts and circumstances, petitioner is admitted to bail on furnishing personal bond in the sum of Rs. 10,000/- (Ten Thousand only) with one surety in the like amount to the satisfaction of the learned trial court and subject to the following conditions:

- (i) Petitioner shall provide his mobile number to the Investigating Officer (IO)/SHO concerned at the time of release.
- (ii) In case of change of address, petitioner shall intimate/communicate his address to the IO/SHO concerned.
- (iii) Petitioner shall not influence the witnesses in any manner.

Application is accordingly disposed of.

A copy of this order be sent to the Superintendent Jail and concerned Trial Court for compliance.

ANOOP KUMAR MENDIRATTA, J

MAY 9, 2024/v