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

+ **BAIL APPLN. 1117/2024**

ANEES

.....Petitioner

Through: **Mr. Prashant Singhal, Adv.**

versus

THE STATE (GOVT. NCT OF DELHI) AND ANRRespondents

Through: **Ms. Meenakshi Dahiya, APP for the
State with SI Asmita, PS Khajori
Khas.**

**Ms. Dimpri Saxena, Adv. for
victim/R-2.**

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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14.10.2024

1. An application under Section 439 read with Section 482 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. 650/2022 under Sections 376/377/506 IPC and Section 4 of the POCSO Act registered at P.S. Khajuri Khas. Chargesheet has been filed under Sections 376/354/354A/506 IPC and Sections 6/10 of the POCSO Act.
2. In brief, as per the case of prosecution, victim is alleged to have been sexually assaulted by the petitioner, who is stated to be her near relative on 30.10.2022 after visiting her residence, though the FIR was registered on 02.11.2022.
3. Learned counsel for the petitioner submits that neither the victim supported the case of prosecution during her cross-examination, nor the sexual assault could be corroborated in the medical examination. He further submits that FIR was lodged after delay of more than two days on



02.11.2022, though the incident is stated to have occurred on 30.10.2022.

He further contends that prosecution version has not been supported by the mother of the victim as well as her brother.

4. On the other hand, application is opposed by learned APP for the State as well as learned counsel for respondent no.2/victim. It is pointed out that though the victim initially supported the case of prosecution in examination-in-chief but appears to have been won over during cross-examination on account of some compromise.

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

Admittedly, the victim supported the case initially in examination-in-chief but resiled from the allegations during cross-examination. Apparently, the suggestion for compromise between the parties was accepted by her.

Considering the totality of the facts and circumstances of the case, without expressing any final opinion on the merits of testimony of victim, since the petitioner is in custody *w.e.f.* 03.11.2022 and the victim on the face of record has changed her stance during the cross-examination, petitioner is admitted to bail on furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five 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) Petitioner shall not influence the witnesses in any manner.

Application is accordingly disposed of. Pending applications, if any, also stand disposed of.



A copy of this order be forwarded to the learned Trial Court and Superintendent Jail for information.

ANOOP KUMAR MENDIRATTA, J

OCTOBER 14, 2024

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