



\$~18

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 1339/2024
SUMIT

.....Petitioner

Through: Mr. Tushar Arora and Mr. Sanjeev
Kumar, Advocate.

versus

STATE GNCT OF DELHI

.....Respondent

Through: SI Nisha, P.S. KalyanPuri.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

10.07.2024

%

1. A Bail Application under Section 439 Cr.P.C in FIR No.1066/2023 P.S. Kalyan Puri, Dated 04.12.2023 under Section 363/376(2)(N) IPC and Section 6 POCSO Act has been filed with the prayer for grant of regular bail.
2. Learned counsel for the petitioner submits that he is in custody for the last seven months and there are various statements made by the Prosecutrix at different times which are at variance. The statements made by the complainant initially was that she herself voluntarily had gone to stay at in the house of her aunt, but subsequently she has been giving different versions. Considering the different contradictory statements of the prosecutrix and also considering that she was of 16 years of age and had befriended the petitioner through Instagram, the bail may be granted.
3. Learned Prosecutor submits that there are some objectionable pictures



of the girl that were found in her mobile phone which has been sent to FSL in regard to which the Supplementary Charge Sheet shall be filed. It is submitted that at this stage the different versions of the complainant cannot enure to the benefit of the petitioner as they are still required to be tested before the Trial Court.

4. After some arguments, learned counsel for the petitioner seeks permission to withdraw the present bail application with liberty to move afresh after the statement of the Prosecutrix is recorded in the Court.

5. In view of the submissions, the petition is permitted to be withdrawn with liberty as prayed for.

6. It is further directed that the statement of the Prosecutrix be recorded by the learned ASJ within three months without waiting for the Report of the FSL in respect of the mobile in regard to which a Supplementary Charge Sheet be filed subsequently and the evidence be led in the Supplementary Charge Sheet as and when the same is filed..

7. The petition is accordingly disposed of.

NEENA BANSAL KRISHNA, J

JULY 10, 2024/va