



\$~1

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

+ **BAIL APPLN. 1359/2024 &CRL.M.(BAIL) 648/2024**

ANKIT THAKUR

..... Petitioner

Through: Mr. Sandeep Mishra, Mr. Dhruv
Gandotra, Mr. Surbhit Nandan and
Mr. Punit Bidhuri, Advs.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Raj Kumar, APP for State with
Insp. Shyoram Yadav SI Anita PS
O.V.M

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

29.04.2024

%

1. The present petition has been filed under Section 439 CrPC seeking regular bail in connection with FIR No.13/2023 under Section 354 IPC read with Section 8 POCSO Act registered at PS Okhla Vihar Metro.
2. The case of the prosecution is that the petitioner / accused, as well as, the victim were travelling in the metro and the petitioner was staring at the prosecutrix and also tried to touch her inappropriately which led to the registration of the FIR at the instance of the victim.
3. The learned counsel for the petitioner submits that the incident is of 16.07.2023 and the FIR came to be registered on 17.07.2023 but there is no written complaint made by the victim and the FIR was registered on the basis of a GD entry. The statement of the victim under Section 161 Cr.P.C. was, however, recorded after 45 days which itself creates doubt about the version of the prosecution.
4. He further submits that the petitioner is a young boy of 23 years who



is in custody since 17.07.2023 and has clean antecedents. It is further the contention of the learned counsel for the petitioner that the investigation in the matter is complete and the chargesheet has already been filed, even the testimony of the victim has been recorded, therefore, there is no possibility of the victim being influenced in the event the petitioner is enlarged on bail. It is thus, urged that the petitioner may be granted regular bail.

5. On the other hand, the learned APP has reiterated the case of the prosecution.

6. I have heard the learned counsel for the petitioner, as well as, learned APP for the State.

7. The allegation against the present petitioner is only to the extent that while travelling in the metro, the petitioner was staring at the victim and he tried to touch her inappropriately.

8. The testimony of the victim has been recorded, thus, there does not exist any possibility of petitioner influencing the victim in the event he is enlarged on bail.

9. On a query posed by the Court, the learned APP, on instructions from the IO, fairly states that the petitioner does not have any criminal record. It is also not the case of the prosecution that petitioner is a flight risk.

10. The petitioner is already in custody since 16.07.2023 and considering the nature of allegations and the fact that the petitioner is aged about 23 years, keeping him in jail in the company of hardened criminals at a young age will do more harm than good to him. Further, the trial is not likely to be concluded any time soon regard being had to the fact that the prosecution has cited as many as 18 witnesses in the chargesheet and only 01 witness has been examined till date.



11. Considering the aforesaid circumstances in entirety, this court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a personal bond in the sum of Rs. 10,000/- and one surety bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.

b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.

c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

12. The petition stands disposed of.

13. It is made clear that nothing stated above is to be construed as an expression of opinion on the merits of the case.

14. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

15. Order *dasti* under signatures of the Court Master.

16. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

APRIL 29, 2024/N.S. ASWAL