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

+ **BAIL APPLN. 1411/2024**

RAJA ALAM

.....Petitioner

Through: Mr. Vipin Bhardwaj, Mr. Sunil Kamat, Ms. Pooja Garg, Mr. Amit Malik, Mr. Peeyush Bansal, Mr. Anit Garg, Ms. Prafulla & Mr. Agash Singh, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for State.

S.I. Arvind Kumar, PS Sangam Vihar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **25.07.2024**

1. The present Petition under Section 439 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioner seeking bail in FIR No. 455/2023 registered under Sections 376/506 of the Indian Penal Code, 1860 and Section 6 of POCSO Act at Police Station Sangam Vihar, Delhi.
2. It is submitted that the petitioner is a young boy of 19 years at the time of incident and is a law abiding citizen and has clean antecedents.
3. It is further submitted that the matter is at the stage of prosecution evidence and three witnesses have already been examined out of 13 witnesses in total. Moreover, the FSL report has also not been filed yet.
4. It is also submitted that the trial may take long and there is no likelihood of the petitioner influencing the prosecutrix as her testimony along with the father has already been recorded. No fruitful purpose would be served in keeping the accused/petitioner in custody.
5. Learned counsel for the petitioner has placed the reliance on the



decision in Dharmander Singh @ Saheb vs. State NCT of Delhi, decided vide BAIL APPL. No. 2898/2022, wherein the various parameters have been defined which may be considered while considering the bail application.

6. It is further submitted that the petitioner undertakes not to tamper the evidence and influence the witnesses.

7. Therefore, the prayer is made that the bail may be granted.

8. Learned Additional Public Prosecutor has handed over the physical copy of the Status Report in the Court today.

9. The Registry is directed to take the Status Report filed on behalf of the State on record.

10. It is submitted in the Status Report that out of 13 witnesses, the evidence of six witnesses has been recorded. As per the prosecution, the prosecutrix was 14 years old and lives in the neighbourhood of the accused/petitioner who has raped the prosecutrix. Even though the testimony of the material witnesses has been recorded, however, the allegations are of serious nature.

11. **Submissions heard.**

12. The accused/petitioner is in judicial custody for the last ten months. Six witnesses, out of 13 witnesses, have already been recorded.

13. Considering the gravity of the offence, the present petition is dismissed.

14. Learned Trial Court is, however, directed to expedite the trial and make an endeavour to complete the same within six months.

NEENA BANSAL KRISHNA, J

JULY 25, 2024

S.Sharma