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

+ **BAIL APPLN. 1858/2023**

AKASH

.....Petitioner

Through: Mr. Lokesh Kumar Misra, Mr. Arti
Baghel, Mr. Nadin Ahmed, Advs.

versus

STATE (GOVT. OF NCT OF DELHI) AND ANR.Respondent

Through: Ms. Priyanka Dalal, APP
SI Veena, PS- S.P. Samaypur Badli,
Delhi.
Mr. Faraz Maqbool, (DHCLSC) with
Ms. Sana Juneja, Mr. A. Sahitya
Veena, Advs. for R2

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

25.11.2024

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1. This is an application filed under Section 438 read with Section 482 of the Code of Criminal Procedure, 1972 seeking anticipatory bail in FIR No. 753/2022, under section 363 of IPC, later on section 376 IPC & Section 6 of POCSO Act were also added, registered at Police Station Samaypur Badli, Delhi.
2. The F.I.R was predicated on a missing report registered by the father of the minor girl.
3. This Court *vide* Order dated 30.05.2023 granted interim protection to the petitioner.
4. I am informed that the petitioner has joined investigation and subsequent to the same, charge sheet has been filed against the petitioner.
5. The prosecutrix is present and is identified by IO SI Veena, PS



Samaypur Badli, Delhi and does not oppose the grant of anticipatory bail.

6. I am also informed by the learned APP that the prosecutrix as present in Court has been examined and has turned hostile.

7. For the said reasons and since the charge sheet has been filed and the prosecutrix has not supported the case of the prosecution, I am of the view that the petition needs to be allowed.

8. Keeping in view the aforesaid facts and circumstances of the present case, the present petition is allowed. It is directed that in the event of arrest, the petitioner be released on bail subject to his furnishing a personal bond in the sum of Rs. 10,000/- with one surety of like amount to the satisfaction of the concerned Investigating Officer and also subject to the following further conditions:-

- i. At the time of furnishing bail bond, the petitioner shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
- ii. The petitioner will furnish his permanent address to the IO and in case he changes his address, he will inform the IO concerned and this Court also;
- iii. The petitioner shall join the investigation as and when asked.
- iv. The petitioner shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v. The petitioner shall not leave the country during the bail period without permission from the competent Court and surrender his passport, if any, at the time of release before the I.O. concerned;
- vi. The petitioner shall regularly appear in Court as and when



directed

9. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present petition.

10. The application is disposed of in aforesaid terms.

JASMEET SINGH, J

NOVEMBER 25, 2024/sp

Click here to check corrigendum, if any