



\$~3

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

BAIL APPLN. 1626/2024

SHANAWAJ@ SOBI

.....Petitioner

Through: Mr. Gaurav Dalal, Advocate.

versus

STATE G.N.C.T OF DELHI

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with W/SI Manisha and SI Pankaj,
P.S. Jyoti Nagar.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

20.08.2024

%

1. By way of the present bail application, the applicant seeks regular bail in FIR No. 67/2018 registered under Sections 363/376D/377/328/506/34 IPC and Section 6 of the POCSO Act at P.S. Jyoti Nagar.
2. Learned counsel for the applicant contends that the prosecutrix has falsely implicated the present applicant on account of a grudge bore by her father, who had done the job of painting and whitewashing at the house of the applicant. He submits that no CCTV footage was collected and in fact, FSL also belies the involvement of the present applicant. He further submits that the prosecutrix has already been examined and the matter is now at the stage of recording of statement of Investigating Officer.
3. The application is opposed by the Id. APP for the State who submits that in the present case the prosecutrix was aged about 17 years at the time of incident. As per the allegations, initially two accused persons committed



rape upon her. On the same day, the prosecutrix was taken up to the second spot where six persons committed rape upon her. He submits that the incident was reported on the next date. Though samples pertaining to all accused were sent to FSL for DNA analysis, except the present applicant all others samples matched. Insofar as the present applicant is concerned, the testimony of prosecutrix is vivid enough to doubt the allegation of false implication.

4. I have heard the learned counsels for the parties and perused the entire records.

5. The age of the child victim stands verified and she was found to be minor on the date of incident. The child victim has identified the present applicant in the context of the second incident that took place at the house of applicant's uncle. In her testimony, she has stated in detail as to how the present applicant has committed the offence. The trial has reached the fag end and the matter is stated to be at the stage of examining the third Investigating Officer. I have gone through the testimony of the prosecutrix as well as cross-examination and find no ground to admit the applicant on bail. Consequently, the bail application is dismissed.

MANOJ KUMAR OHRI, J

AUGUST 20, 2024

ga