



\$~2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1803/2024 & CRL. M() 1552/2024**
BAJRANGI YADAVPetitioner
Through: Mr. S.P. Sharma, Advocate

versus

STATE NCT OF DELHI AND ANRRespondents
Through: Mr. Laksh Khanna, APP for State
with SI Meer Bhan PS Karol Bagh,
Delhi.
Mr. Suraj Kumar, Advocate for
respondent no.2.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **07.11.2024**

1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.395/2022 registered under Sections 376/34 IPC and Section 6 POCSO Act at P.S. Karol Bagh, Delhi.
2. Mr. Suraj Prakash Sharma, learned counsel appearing for the petitioner/applicant submits that the name of the applicant has cropped up for the first time in the testimony of the prosecutrix. He submits that neither in her statement recorded under Section 161 Cr.P.C nor in her statement under Section 164 Cr.P.C, the prosecutrix has levelled any allegations against the present applicant. It is also stated that the applicant is in custody since 14.06.2022 and the prosecutrix has already testified in the Court. He also states that the FSL report also does not support the allegations made by the prosecutrix.
3. Learned APP for the State on the other hand has referred to the



recorded testimony of the prosecutrix wherein she has levelled allegations not only against the co-accused but also against the present applicant.

4. After going through the order on charge, the Court has inquired from the learned counsel for the petitioner as to whether any supplementary statement under Section 161 Cr.P.C. has been recorded. Learned counsel for the petitioner has answered the same in the negative. However, upon going through the record, this Court finds that a supplementary statement of the prosecutrix under Section 161 Cr.P.C. was recorded on 14.06.2022 wherein she has categorically stated about the acts of the present applicant. After going through the supplementary statement, this Court is constrained to note that despite being specifically asked, neither the factum of recording of supplementary statement of the prosecutrix under Section 161 Cr.P.C. was disclosed nor has the said statement been placed on record.

5. After going through the supplementary statement recorded under Section 161 Cr.P.C., as well as testimony of the prosecutrix recorded before the Court, this Court finds no ground to entertain the present application and the same is accordingly dismissed.

MANOJ KUMAR OHRI, J

NOVEMBER 7, 2024/*rd*