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

+ **BAIL APPLN. 3295/2023**

PHOOL KUMARI @ KALLO

..... Petitioner

Through: Mr. M.K. Singh, Mr. Deepak Shukla
and Mr. J.P. Mishra, Advocates.

versus

THE STATE G.N.C.T. OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State
with IO C.S. Yogi PS Khyala and
Inspector Chhaute Lal PS Sagarpur,
Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

28.02.2024

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1. By way of present bail application filed under Section 439, the petitioner/applicant seeks regular bail in FIR No.353/2021 registered under Sections 363/365 IPC at Police Station Khyala, Delhi.
2. Learned counsel for the applicant states that though the FIR was registered under Sections 363/365/370, charges have been framed under the 363/365 IPC, as the allegations of human trafficking were found not to be correct. He submits that the co-accused namely *Pukar @ Prasad* has already been released on regular bail by the learned Trial Court on 17.12.2021. Further, the applicant has been in custody since 19.04.2021. Lastly, it is stated that the applicant is not involved in any other case.
3. Learned APP for the State, on the other hand, has vehemently opposed the present bail application. It is stated that on the complaint of the complainant, CCTV footage was checked, which led to the arrest of the present applicant, from whose custody the child victim was also recovered



within two days. He states that the child victim has been examined, who has identified the applicant as the one who had taken her away. He further, on instructions from the I.O., states that the prosecution has cited 11 witnesses, out of which only 2 have been examined.

4. Considering the totality of the facts and circumstances including the fact that child victim has already been examined and that the remaining witnesses are non-material/police witnesses as also the period of custody of the applicant and the fact that the applicant is not found involved in any other case, it is directed that the applicant be released on bail subject to her furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty M.M. and subject to the following further conditions :-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide her mobile number to the Investigating Officer on which she will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.



5. The bail application is disposed of in the above terms.
6. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
7. Copy of the order be uploaded on the website forthwith.
8. 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 bail application.

MANOJ KUMAR OHRI, J

FEBRUARY 28, 2024/rd