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

+ **BAIL APPLN. 2454/2024**

DEV@ LAKHAN (IN JC)

.....Petitioner

Through: Ms. Shree Kirtee, Mr. Sunder Singh
& Mr. Hemdeep Moran, Advs.

versus

STATE

.....Respondent

Through: Mr. Pradeep Gahalot, APP for the
State with Ms. Soumya Dhankani,
Ms. Preeti Mukheria, Ms. Ritika
Juneja, Ms. Pallavi Jain, Mr. Daksh
Wadhwa, Ms. Aashi Sharma, Ms.
Anshi Mudgil & Ms. Anamika
Singhal, Advs.
Insp. Manjusha, PS Sarita Vihar

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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25.07.2024

1. This petition is filed seeking regular bail in FIR No. 517/2023 under Sections 363/376 IPC & Section 6 POSCO Act at P.S. Sarita Vihar.
2. Status report has been filed, according to which complaint was lodged by the brother of the victim who was recovered from Farukabad. There is no history of sexual assault / harassment as per MLC dated 11th October 2023.
3. As per statement of victim under Section 164 Cr.P.C., she stated that she had left the house after arguments with her mother. Victim was produced before the CWC on 12th October 2023 and was restored to her mother.
4. Victim is present in the Court and has presented her Aadhar Card as per which her date of birth is 10th September 2005, which would mean that



she has attained majority in October 2023, when the complaint was registered. Besides, she has stated in another statement recorded under Section 164 Cr.P.C. on 4th May 2024, that she had gone on her own wish and nothing wrong happened with her.

5. As regards her pregnancy, the same was medically terminated after directions of the Child Welfare Committee.

6. Certificate of marriage, dated 9th November 2023, of victim with petitioner, has also been handed up in the Court. The victim confirms factum of her marriage with the petitioner.

7. Decision of a Coordinate bench of this Court **Vicky v. State** 2023 SCC OnLine Del 3367 has been brought to notice of this Court wherein similar situation existed and regular bail was granted.

8. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 15,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the



IO concerned.

- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
- vi. Petitioner shall not indulge in any criminal activity or tamper with the evidence of the case.

9. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

10. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

11. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

12. Copy of order be given *dasti* under signatures of the Court Master.

13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 25, 2024/sm