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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 3534/2023

AMIT KONDAL

..... Petitioner

Through: Mr Kamal Kant Jha, Mr G. K. Singh,
Mr Avinash Singh, Mr Gopal Kumar
and Mr Madhukar Kumar Singh,
Advocates.

versus

STATE AND ANR.

..... Respondents

Through: Mr Raghvinder Varma, APP for the
State with SI Manish Tyagi, PS
Govindpuri.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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25.04.2024

1. The present petition has been filed seeking anticipatory bail in connection with FIR No.0359/2023 under Sections 323/341 IPC, Section 75 JJ Act and Section 12 of POCSO Act registered at PS Govindpuri.
2. The allegations against the petitioner are that the complainant's son would repeatedly ring the door bell of the petitioner's residence past midnight. The petitioner gave beatings to the son of the complaint, disrobed him and also electrocuted the victim.
3. On a query posed by the court, learned APP for the State on instructions from the IO, submits that the MLC does not reveal any external injury or signs of electrocution.
4. The learned counsel for the petitioner also invites the attention of the



Court to the FIR, to contend that the allegation in the FIR is only to the extent that the victim was disrobed and there is no allegation that such act was done by the present petitioner with a sexual intent, which fact is not disputed by the learned counsel for the complainant. This being the position, it *prima facie* appears that the offence under Section 12 of the POCSO Act is not attracted.

5. Learned counsel for the petitioner further submits that the petitioner has joined the investigation as and when he was called upon by the IO concerned. This fact is also affirmed by the learned APP, on instructions from the IO, who is present in the court.

6. In view of the above, it is directed that in the event of petitioner's arrest, he be released on bail subject to his furnishing Personal Bond in the sum of Rs.25,000/- and a Surety Bond of the like amount to the satisfaction of the Investigating Officer /Arresting Officer, further subject to the condition that he will join investigation as and when directed by the IO concerned.

7. The petition stands disposed of.

8. Order *dasti* under signatures of the Court Master.

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

VIKAS MAHAJAN, J

APRIL 25, 2024
MK