



\$~9

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

+ **BAIL APPLN. 3650/2023**

VIJAY

..... Petitioner

Through: Mr. Ajay Kaushik, Mr. Ashish Nigam
& Mr. Abhishek Gupta, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Hemant Mehla, APP for the
State with SI Ankita Singh, P.S.
Safdarjung Enclave & ASI Rohitash
Kumar, P.S. Pulprahladpur.
Mr. Gaurav Sharma, Standing
Counsel, DHCSLC for the
complainant.
Father of the victim in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

13.03.2024

%

1. The present application under Section 439 of the Cr.P.C. read with Section 482 of the Cr.P.C. seeks regular bail in case FIR No. 217/2022, under Sections 354A/506/509 of the IPC and Section 12 of the POCSO Act, 2012 registered at P.S. Pul Prahladpur.

2. The case of the prosecution as per the status report authored by Insp. Sanjay Kumar, SHO of P.S. Pul Prahladpur is as follows:

“2. That the facts of the case are that above mentioned case FIR was registered at PS-Pulprahladpur on dated 19/05/2022 on statement of Victim 'A' D/O 'Ar' R/O Z, Age-14 years , in which she alleged that



on 19/05/22 (which was by clerical mistake typed as 15/05/22 in the FIR but was mentioned as 19/05/22 in Tehrir) at about 7:00 AM ,she was going to her school with her father and on her way to school at Shooting Range, Vijay Kumar SIO Vinod R/O H.NO- 140,G-12 ,Sangam Vihar Delhi Age-19 years hold & pulled her hand and abuse her and her father and threatened to throw acid on her. She further stated that earlier she has registered case against Vijay Kumar S/O Vinod at PS-Sangam Vihar vide FIR NO-156/22 U/S 384/506 IPC & 12 POCSO Act .Copy of FIR NO-217/22 & 156/22 is annexed as Annexure A

3. Learned counsel for the applicant submits that the latter has been falsely implicated in the present case. It is submitted that the applicant was arrested on 19.05.2022 and has been in custody for more than one and a half years. It is submitted that the investigation in the present case is complete, the chargesheet stands filed, the trial is likely to take some time and therefore, no useful purpose will be served by keeping the applicant in custody any further. It is submitted that the applicant is ready and willing to abide by any conditions that this Court may deem fit, if granted bail.
4. *Per contra*, learned APP for the State submits that the allegations against the applicant are serious and he is likely to misuse the liberty of bail.
5. Heard learned counsel for the parties and perused the record.
6. The applicant has been chargesheet for offences under Sections FIR No. 217/2022, under Sections 354A/506/509 of the IPC and Section 12 of the POCSO Act, 2012. The maximum punishment provided for the said offences is three years. Nominal roll dated 11.01.2024 reflects that the applicant has undergone custody for 01 year 07 months and 20 days as on 10.01.2024.
7. In totality of the facts and circumstances of the case, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 25,000/- with two sureties of like amount, one of whom shall



be a family member, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
 - vi. The applicant shall not contact the complainant or her family members, directly or indirectly.
8. The application is allowed and disposed of accordingly.
 9. Pending application(s), if any, also stand disposed of.
 10. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.
 11. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
 12. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MARCH 13, 2024/bsr