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

+ **BAIL APPLN. 3771/2023, CRL.M.A. 30739/2023**

MUKESH

..... Petitioner

Through: Mr. Shashank Tripathi, Adv.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Mukesh Kumar, APP for State
with SI Jaivind Kumar, PS Jamia
Nagar.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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19.03.2024

1. An application under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 0683/2016 under Sections 363 IPC registered at P.S.: Jamia Nagar. Chargesheet was filed under Sections 363/376/174A IPC and Section 6 POCSO Act.
2. Learned counsel for the petitioner submits that there are several discrepancies in the statement of the prosecutrix under Section 164 Cr.P.C. and the evidence of the prosecutrix recorded before the learned Trial Court.
3. On the other hand, the application has been vehemently opposed by learned APP for the State and it is pointed out that after the statement of prosecutrix was recorded under Section 164 Cr.P.C., further investigation was taken up in the light of observations of CWC. It is further submitted that as per MLC, petitioner Mukesh was aged about 37 years at the time of the incident, whereas the victim / prosecutrix was a minor.



4. Admittedly, the consent of the prosecutrix being a minor is immaterial and it also cannot be ignored that petitioner was already married at the time of the incident. Considering the grave nature of allegations and statement of the prosecutrix before the learned Trial Court, no grounds are made out for grant of bail.

Application is accordingly, dismissed. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

MARCH 19, 2024/akc