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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3834/2023**

RAVI

..... Petitioner

Through: Mr. Vivek Kumar Singh, Mr. Vishal
Arun Mishra, Mr. Saurabh Sharma,
Ms. Rupali Panwar and Ms. Umang
Mangal, Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Abhilash, P.S. Nihal Vihar.
Ms. Tanya Agarwal, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **22.03.2024**

1. By way of present application filed under Section 439 Cr.P.C., the applicant seeks regular bail in FIR No.402/2019 registered under Sections 377/34 IPC and Section 6 POCSO Act at P.S. Nihal Vihar.
2. Learned counsel for the applicant submits that the applicant is falsely implicated in the present case as there are inherent contradictions in the various statements made by the child victim. He submits that the applicant was not even the resident of the area and in this regard has referred to the testimony of the landlord Om Prakash who, as per the prosecution case, was informed by the child victim 's father of the offence. He further states that though the said landlord initially identified the applicant however, during his



cross examination, he clarified that he never identified him. It is submitted that child victim and her father stand already examined. It is also submitted that at the time of MLC, the applicant's name is not mentioned.

3. Mr. Sabharwal, learned APP, who is duly assisted by counsel for the child victim, has opposed the bail application. It is stated that applicant was a resident of the same house as the child victim and the testimony of the child victim is clear and categorical on the offence as well as the identity of the present applicant. It is also informed that though applicant's DNA Report was inconclusive but a second sample has now been sent. He has also referred to the MLC to submit that the same supports the prosecution case wherein it is recorded that on local examination, perianal bruising and multiple posterior anal superficial fissures were observed.

4. Considering the testimony of the child victim and her father, I find no ground to entertain the present bail application and the same is dismissed.

MANOJ KUMAR OHRI, J

MARCH 22, 2024

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