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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2873/2024

SH. CHAMAN KUMAR GUPTA

.....Petitioner

Through: Mr. Lallam Tiwari, Ms. Mannu Singh, Mrs. Sangita Kumari, Mr. K. Anand Singh and Mr. Suryakant Chaudhary, Advocates.

versus

THE STATE (GOVT. OF NCT DELHI)

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State with PSI Kavita Bhardwaj, P.S. Shalimar Bagh.
Mr. Varun Kumar, Advocate for prosecutrix with prosecutrix alongwith her mother.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

02.09.2024

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1. By way of the present bail application, the applicant seeks regular bail in FIR No. 107/2024 registered under Sections 363/376 IPC and Sections 6/21 of the POCSO Act, at P.S. Shalimar Bagh, Delhi.
2. Learned counsel for the applicant submits that initially, only a missing report was lodged, subsequent thereto, the prosecutrix stated that she had gone to her friend's house in Arrah, Bihar on her own. He further submits that there are no allegations of forceful physical relations with the prosecutrix by the present applicant. On the contrary, the prosecutrix has stated that the relations between her and the present applicant were consensual. He further submits that the parties thereafter have even married



each other. Lastly, it is submitted that the charge-sheet stands filed in the present case and that the applicant is in custody since 21.05.2024.

3. Learned counsel for the complainant, on instructions from the prosecutrix (who is a major now) and her mother, submits that they have no objection to the grant of bail to the present applicant.

4. Ld. APP for the State has read through the statement of the prosecutrix under Section 164 Cr.P.C., wherein she has reiterated that on account of disputes with her family members, she ran away of her own accord, to the house of her friend, namely 'S' in Arrah, Bihar. She further stated that the applicant was already known to her and that she had consensually entered into physical relations with him. It is also submitted that as per her date of birth collected from her first attended school, she was 3 months short of being 18 at the time of the said incident.

5. I have heard the learned counsels for the parties and gone through the records.

6. In the present case, the charge-sheet has already been filed. At the time of the incident, the prosecutrix, who is a major now, was in the age of discretion and has nowhere stated that any forceful relations were established with her by the applicant. Considering the aforesaid and the fact that the applicant is statedly in custody since 21.05.2024, this Court deems it fit to release the applicant on regular bail, subject to him furnishing a personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty J.M. and subject to the following further conditions:-

i) The applicant shall not leave the NCR without prior permission of the concerned Court.



- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
 - iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
 - iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
 - v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.
7. The bail application is disposed of in the above terms.
8. Copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.
9. Needless to state that the observations made hereinabove are only for the purpose of disposal of the present bail application and it shall not have a bearing on the trial of the case.

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MANOJ KUMAR OHRI, J

SEPTEMBER 2, 2024

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