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

+ **BAIL APPLN. 4205/2023**

MOHD. ASIF ALI

..... Petitioner

Through: Mr.Rohit Gautam, Mr.Ankit
Pandey, Mr.Samir Malik,
Mr.Bhupendra Choudhary,
Advs.

versus

STATE OF NCT DELHI

..... Respondent

Through: Mr.Aman Usman, APP with SI
Bindu.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

22.01.2024

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1. This application has been filed under Section 439 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') praying for the applicant to be released on Regular Bail in FIR No.588/2023, registered at Police Station: Mahendra Park, North-West District, Delhi, under Section 363 of the Indian Penal Code, 1860 (in short, 'IPC'), and the chargesheet under Sections 363/376 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The learned counsel for the applicant submits that the applicant has been in custody since 14.06.2023. He submits that the statements under Section 164 of Cr.P.C. of the victim and her mother have already been recorded before the learned Trial Court and they have not supported the case of the prosecution.



3. The learned APP for the State submits that the allegations against the applicant are serious in nature and the applicant be not enlarged on bail.

4. Having perused the statements of the victim and her mother, recorded before the learned Trial Court, in my view, the applicant has made out a case for release on bail. Accordingly, it is directed that the applicant be released on bail in FIR No.588/2023, registered at Police Station: Mahendra Park, North-West District, Delhi, on furnishing a personal bond in the sum of Rs.25,000/- with one local surety of the like amount, subject to the satisfaction of the learned Trial Court, and further subject to the following conditions:

- i. The Applicant will not leave the country without the prior permission of the learned Trial Court.
- ii. The Applicant shall provide his permanent address to the learned Trial Court. The applicant shall also intimate the Court by way of an affidavit and to the IO regarding any change in his 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 shall provide all/latest/fresh mobile numbers to the IO concerned, which shall be kept by the applicant in a working condition at all times and shall not be switched off or changed by him without prior intimation to the learned Trial Court and the IO concerned. The mobile location be kept on at all times.
- v. The Applicant shall not indulge in any criminal activities.



5. Needless to state, any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on the merits of the matter.
6. The Bail Application is disposed of in the above terms.
7. Copy of this order be sent to the Jail Superintendent for information and necessary compliance.

NAVIN CHAWLA, J

JANUARY 22, 2024/Arya/AS

Click here to check corrigendum, if any