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

+ **BAIL APPLN. 4343/2023**

KRISHAN KUMAR

..... Petitioner

Through: Mr. Gajraj Singh, Ms. Sakshi Sachdeva, Ms. Ritika Rajput and Ms. Aayushi Gupta, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent

Through: Ms. Kiran Bairwa, APP for State with SI Shivani, PS Bharat Nagar alongwith victim and his parents.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

14.05.2024

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1. An application under Section 439 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. 0247/2023, under Sections 377/511 IPC and Section 8 POCSO Act, registered at P.S.: Bharat Nagar.
2. In brief, as per the case of prosecution, present FIR was registered on complaint of 'R', who alleged that petitioner attempted to commit sodomy on complainant's son aged about 13 years. She also alleged that petitioner had pressed the chest of her son and kissed him on cheeks.
3. Learned counsel for the petitioner submits that petitioner is in custody since 22.02.2023 and statement of all material witnesses had been recorded. She further submits that petitioner has been falsely implicated, since the petitioner had objected to the activities of the children outside his veterinary



clinic.

4. On the other hand, application is opposed by learned APP for the State as well complainant.

5. Admittedly, the statement of all the material witnesses has been recorded and there is no possibility of influencing the witnesses. Petitioner is aged about 58 years with no other past involvement.

Considering the totality of facts and circumstances, without expressing any opinion on the merits of the testimony of the witnesses, petitioner is admitted to bail on furnishing personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand only) with one surety in the like amount to the satisfaction of the learned trial court and subject to the following conditions :

- (i) Petitioner shall provide his mobile number to the Investigating Officer (IO) / SHO concerned;
- (ii) Petitioner shall intimate / communicate his address to the IO / SHO concerned, in case of change of address;
- (iii) Petitioner shall not threaten or influence the witnesses in any manner.

Application is accordingly disposed of.

A copy of this order be sent to the Superintendent Jail and concerned Trial Court for compliance.

ANOOP KUMAR MENDIRATTA, J

MAY 14, 2024/akc