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

+ **BAIL APPLN. 3140/2024**

SANBHU ALIAS SHAMBHU

.....Petitioner

Through: Mr. Ashish Tilwani, Mr. Chandan
Prajapati, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Kiran Bairwa, APP for State and
SI Pooja, PS Bhalswa Dairy.
Ms. Gunjan Sinha Jain, Adv.
(DHCLSC), Mr. Akshay Kumar,
Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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15.10.2024

1. The present bail application has been filed under Section 483 BNSS seeking grant of regular bail in case FIR No. 770/2023 dated 09.08.2023 registered under Section 363/376 IPC and Section 6 POCSO Act registered at PS Bhalswa Dairy.
2. The petitioner has been in custody since 10.08.2023. The FIR was lodged under Section 363 IPC, alleging that the complainant's 17-year-old daughter had left home without informing anyone, at around 1:00 P.M. on 08.08.2023, information was given to the police, at 1:30 A.M. on 09.08.2023. The complainant alleged that her daughter had been taken away by unknown persons. On 10.08.2023, victim was



recovered along with the petitioner from *3rd Floor, Room No. 39, Village Bhangrola, District Gurugram, Haryana* and the victim was taken for the counseling. Victim stated that she had sexual intercourse with her brother-in-law i.e., the accused/petitioner. As per MLC, the prosecutrix refused for internal medical examination, however, the UTP was found to be negative.

3. The petitioner was arrested, and the statement of the prosecutrix under Section 164 Cr.P.C. was recorded on 10.08.2023, wherein she stated that the petitioner is her sister's husband, and she was in a relationship with him. The prosecutrix further stated that on 08.08.2023, she had called the petitioner, and he asked her to meet him. The victim further stated that after they met, the petitioner did not allow her to return and also injured himself. She also stated that they had slept together.
4. Learned APP for the State opposed the bail application on the ground that the victim was a minor, and the petitioner, who was closely related to her, misused the relationship of trust. The charge sheet has already been filed. Learned counsel for the petitioner submits that the victim went with the petitioner on her own. It was also stated that, even in her statement recorded under Section 164 Cr.P.C., the prosecutrix made no allegations of forcible sexual intercourse.
5. The record reveals that the victim had gone of her own free will, and in her initial statement, there were no allegations of forcible sexual relations. The victim and accused are closely related to each other.
6. Taking into account the facts and circumstances, the petitioner is admitted to regular bail on furnishing a personal bond of Rs. 15,000/- with one surety of the like amount subject to the satisfaction of Ld.



Trial Court subject to the following conditions:

- a) the Petitioner shall cooperate in the investigation and appear before the Investigating Officer of the case as and when required;
 - b) the Petitioner shall under no circumstances leave India without prior permission of the Court concerned;
 - c) the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - d) the Petitioner shall provide his/her mobile number(s) to the Investigating Officer;
 - e) In case of change of residential address and/or mobile number, the Petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
7. Copy of this order be sent to concerned Jail Superintendent for information and necessary compliance.
 8. In view of the above, the present bail application along with pending application(s), if any, stands disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 15, 2024/AR/NA..