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

+ **BAIL APPLN. 280/2024**

SURAJ @ PRINCE

..... Petitioner

Through: Mr. Manish Kumar Singh, Advocate

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with Insp. Saroj Bala, WSI Pooja and SI Jatin
Mr.Arvind Kumar, Advocate for complainant

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

24.04.2024

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1. By way of present application filed under Section 439 Cr.P.C. read with Section 482 Cr.P.C., the petitioner/applicant seeks regular bail in FIR No.466/2020 registered under Sections 376/377/506/109 IPC and Sections 4/6/17 POCSO Act at P.S. Raj Park.
2. Learned counsel for the applicant submits that the applicant is in custody since 25.05.2020 and is not involved in any other case. He submits that in the complaint, the prosecutrix has claimed herself to be 17 years of age while the applicant was 19 years of age. He submits that on a reading of the complaint, it appears that both were known to each other. He further submits that after filing of the chargesheet in the year 2020, even the charges have not been framed till date. He has further pointed out that in the initial statement resulting into registration of the FIR, the prosecutrix has not mentioned any



date of the incident whereas in the statement recorded under Section 164 Cr.P.C. major improvements have been made by her.

3. Learned APP for the State, duly assisted by learned counsel for the complainant, has vehemently opposed the bail application. He, on instructions, submits that though the chargesheet was filed in the year 2020 however, on account of non-appearance of the co-accused, the charges could not be framed. He submits that during the investigation, it was found that some objectionable photographs of the prosecutrix were also recovered from the co-accused, which were also later transmitted by him to the father of the victim. He submits that as per the investigation, it was the co-accused who got photographs from the phone of the accused and thereafter transferred the same. He also submits that the family members of the applicant have threatened the complainant on the basis of which, an FIR has been registered against them.

4. I have heard the learned counsels for the parties and also gone through the contents of the FIR as well as statements recorded under Section 164 Cr.P.C. A reading of the FIR would show that the prosecutrix has stated that she became friends with the applicant and thereafter started meeting at his house but in her complaint, she has not given any specific details. Learned counsel for the applicant has referred to statement of prosecutrix recorded under Section 164 Cr.P.C., however, the same would be tested in trial. Insofar as aspect of objectionable photographs of the prosecutrix is concerned, the same was concededly found in the phone of the co-accused. In fact, the transmission of the objectionable photographs to the phone of the father of the prosecutrix is also from the phone of the co-accused.

5. Keeping in view the aforesaid facts and circumstances including the



period of custody, the fact that the applicant himself was 19 years of age at the time of the incident and the prosecutrix was in the age of discretion and the further fact that till date even the charges have not been framed, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty M.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.
6. The bail application is disposed of in the above terms.
 7. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
 8. Copy of the order be uploaded on the website forthwith.
 9. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial



of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

APRIL 24, 2024
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MANOJ KUMAR OHRI, J