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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3471/2024**
ANAND SARAFPetitioner
Through: Mr.Amjad Khan, Advocate

versus

STATE OF NCT OF DELHI AND ANR.Respondents
Through: Mr. Laksh Khanna, APP for State with
SI Manish Kalkal
Ms.A. Sahitya Verma and Mr.Faraz Maqbool,
Advocates for respondent No.2

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **09.12.2024**

1. By way of present bail application, the applicant seeks regular bail in FIR No. 36/2018 registered under Sections 363/366/344/370/376/109 IPC and Sections 6/17 of the POCSO Act at P.S. Kirti Nagar, Delhi.
2. Learned counsel for the applicant submits that the offence pertains to the year 2018 and the applicant has been in continuous custody except for the period when he was released considering his emergent medical conditions.

On merits, it is stated that the child victim as well as her father stand examined and there is no other material witness, who is yet to be examined in the trial. It is further contended that there are many gaps in the prosecution story as to how the Investigating Officer has unearthed the travel from Delhi to Chennai, the place from where the child victim has been shown to be recovered as well as the arrest of the present applicant. It is



further contended that the child victim in her statement recorded under Section 164 Cr.P.C. before the concerned Magistrate has not stated about the incident at all. Lastly, it is contended that the applicant has not misused the concessions of interim bail so granted to him on previous occasions.

3. Learned APP for the State, duly assisted by learned counsel for the complainant/respondent No.2, has opposed the bail application. It is stated that the incident occurred on 28.01.2018 when a missing report came to be lodged by the father of the child victim. It is further stated that technical surveillance was carried out at Sarai Kale Khan bus stand as well as railway station, due to which the investigation has led to Chennai from where the child victim was recovered on 09.02.2018 from the house of the present applicant. It is further stated that child victim at the time of her testimony has not only narrated the incident including the role of the present applicant but has also correctly identified him.

4. I have heard learned counsels for the parties as well as learned APP for the State and have also gone through the material placed on record including the testimony of the child victim as well as her father. Pertinently, at the time of the incident, the child victim was 4 years old. In her statement before the Court, she had narrated as to how she was abducted by one lady and thereafter by another person described as *mota* uncle. She has further stated that after being taken away by the lady and two uncles, she was taken in a bus, vehicle and train. She has also ascribed the role of insertion of finger in her private part by the present applicant. She has also identified the applicant during the time of recording of statement. On a prima facie view, the applicant has not been able to satisfy as to the motive of any false implication. Indisputably, the applicant as well as the other accused are



neither neighbors nor have any prior history of any quarrel with the family of the child victim.

5. Considering the totality of the case, I find no ground to entertain the present application, Accordingly, the same is dismissed.

6. 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.

MANOJ KUMAR OHRI, J

DECEMBER 9, 2024

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