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

+ **BAIL APPLN. 3537/2024**

GUNNU ALIAS SUJAL

.....Petitioner

Through: **Mr.Omkar Sharma and
Mr.Ghanshyam Sharma, Advocates**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr.Hemant Mehla, APP for State
with W/SI Ritu, PS Nangloi
Prosecutrix in person with her
mother.**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

28.10.2024

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1. The present petition under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, (BNSS) has been filed seeking regular bail in relation to FIR No. 647/2024 under Section 376 of the Indian Penal Code, 1860 (IPC) & Section 6 of the POCSO Act registered at Police Station Nangloi.
2. Learned APP for State, during the course of proceedings has handed over a copy of the status report. The same is taken on record. The petitioner has been in custody since 21.08.2024 with no previous antecedents and his conduct in jail is found to be satisfactory.
3. The complainant is present in the Court along with her mother who



states that she does not oppose the prayer made on behalf of the petitioner seeking regular bail.

4. The case of the prosecution rests on a complaint made on 14.08.2024. Complainant stated that she and the petitioner became friends on Instagram and around one year ago, the petitioner called her to his house and wanted to make physical relations on the pretext of marriage, however, she denied the same. After 45 days of the first incident, the petitioner called the victim and said that his parents wanted to meet her, when, as per the victim, the petitioner made forceful physical relations. After some days he came to her house to meet the mother of the victim and the petitioner's family and the victim's family agreed to marry them together.

5. It is submitted by the learned counsel for the petitioner, on instructions of the mother of the petitioner, who is present in Court, that she had refused to allow the petitioner to marry the victim considering that she had not attained majority.

6. The victim has also stated in her statement recorded under Section 164 Cr.P.C. that she has filed the complaint, only aggrieved by the issue marriage and otherwise she has no complaint against the petitioner.

7. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner.

8. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:



- i. Petitioner will not leave the country without prior permission of the Court.
 - ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
 - iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
 - iv. Petitioner shall join investigation as and when called by the IO concerned.
 - v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
 - vi. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
9. Needless to state, but 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 merits of the matter.
10. Copy of the order be sent to the Jail Superintendent for information and necessary compliance
11. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
12. Order be uploaded on the website of this Court.



13. *Dasti.*
14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 28, 2024
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