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

+ **BAIL APPLN. 3700/2024**

VIPUL KUMAR

.....Petitioner

Through: Mr. Tanishq Sirohi, Mr. Raghav
Khanna, Advs.

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Mr. Aman Usman, APP with PSI
Amisha, PS Kapashera with child
victim and complainant

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

18.11.2024

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1. This is an application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') [earlier Sections 439 of Code of Criminal Procedure, 1973 ('CrPC')] seeking bail to the petitioner in FIR No. 242/2024 dated 10.05.2024 under section 363 of IPC registered at PS Kapashera.

2. The victim, along with her mother, are present in Court.

3. In the present case, the minor child victim was taken by unknown accused persons to Bombay, thereafter Gujarat. The child victim was sexually assaulted and the FIR was registered under Sections 363 IPC but the petitioner has been charged under Sections 363, 376, 366(A), 370, 506, 120B, 34 of IPC, section 6 of POCSO Act, 2012 and sections 3, 4 of the Immoral Traffic Prevention Act, 1956.



4. Mr. Usman, learned APP opposes the bail application.
5. The petitioner is not named in the FIR and the only role assigned to the petitioner was that he was the owner of the property in Gujarat, where the victim was sexually assaulted. The status report has been filed wherein it has been categorically stated that the petitioner has not been identified in the TIP wherein other accused person has been identified. The victim has also not named the petitioner in her statement u/s 164 CrPC and the petitioner has been in custody for around 6 months.
6. For the aforesaid reasons, the petitioner is directed to be released on bail subject to following conditions:
 - i. The applicant shall furnish a personal bond and a local surety bond in the sum of Rs. 20,000/- each, to the satisfaction of the I.O. concerned;
 - ii. The applicant shall appear before the Court as and when the matter is taken up for hearing;
 - iii. The applicant shall join investigation as and when called by the I.O. concerned;
 - iv. The applicant shall provide his mobile number to the Investigating Officer (IO) concerned, which shall be kept in working condition at all times. The applicant shall not switch off, or change the same without prior intimation to the IO concerned, during the period of bail;
 - v. In case the applicant changes his address, he will inform the IO concerned and this Court also;
 - vi. The applicant shall not leave the country during the bail period without permission of the concerned court and surrender his



- passport, if any, at the time of release before the I.O. concerned;
- vii. The applicant shall not indulge in any criminal activity during the bail period;
 - viii. The applicant shall not communicate with, or come into contact with any of the prosecution witnesses, or any member of the victim's family, or tamper with the evidence of the case.
7. The DSLSA shall verify the compensation paid to the minor child victim and in case there is any shortfall, the same shall be made good within 4 weeks from today.
8. The report regarding the same shall be filed in Court.
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 petition.
10. The application stands allowed in the aforesaid terms.
11. *Dasti.*

JASMEET SINGH, J

NOVEMBER 18, 2024/DM

Click here to check corrigendum, if any