

\$~5

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

% Judgment delivered on: 20.02.2018

+ **BAIL APPLN.2460/2017**

ROYAL BABU @ MILAN Petitioner

versus

THE STATE GOVT. OF NCT OF DELHI Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Vinay Kumar Sharma and Mr Udham Singh

For the Respondent : Mr. Akshai Malik, APP for the State.
W/SI Saroj Bala, PS Dwarka.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **20.02.2018**

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks bail in case FIR No.139/2017 under Sections 376 IPC & Section 8 POCSO Act, Police Station Dwarka. The petitioner has been in custody since 12.09.2017.

2. The allegations in the FIR are that the petitioner, on the false pretext of marriage, made physical relationships with the complainant. The complainant, in the FIR, contended that she was less than 17 years of age, when the alleged physical relationship was made.

3. The statement of the prosecutrix has been recorded before the Trial Court on 19.02.2018. The prosecutrix has not supported the case of the prosecution and has denied all the allegations in the FIR as well as in her statement under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

4. Perusal of the statement recorded before the Trial Court shows that the prosecutrix has not supported any of the allegations levelled against the petitioner and has even stated that she has married the petitioner on 01.03.2016, at which time she claims to be of 18 years of age. There is even a child from the wedlock. She claims that no physical relationship was made before marriage.

5. Without expressing any opinion on the merits of the case, I am of the view that it is a fit case for grant of bail to the petitioner.

6. Accordingly, the petitioner is directed to be released on bail on furnishing a bail bond in the sum of Rs.50,000/- with a surety of like the amount to the satisfaction of the Trial Court. The petitioner shall not leave the country without permission of the Trial Court.

7. The petition is disposed of in the above terms.

8. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 20, 2018/§D'