

---

**(2020) 06 DEL CK 0115**

**In the Delhi High Court**

**Case No : Bail Application No. 1248 Of 2020**

Mohit

APPELLANT

Vs

State Of Nct Of Delhi

RESPONDENT

---

**Date of Decision : 22-06-2020**

**Acts Referred:**

Indian Penal Code, 1860 — Section 34, 342, 363, 376

Protection Of Children From Sexual Offences (POCSO) Act, 2012 — Section 4, 5

**Citation : (2020) 06 DEL CK 0115**

**Hon'ble Judges : Sanjeev Sachdeva, J**

**Bench : Single Bench**

**Advocate : Puneet Garg, G.M. Farooqui**

**Final Decision : Allowed**

---

## **Judgement**

Sanjeev Sachdeva, J

1. The hearing was conducted through video conferencing.
2. Petitioner seeks interim bail in FIR No. 113/2018 under Sections 363/342/376/34 IPC read with Sections 4/5 of POCSO Act, Police Station K.M. Pur, for a period of three months for the treatment of his mother.
3. As per the case of the prosecution, the victim who is aged over 17 years went out of her house at about 9.00 p.m. on 09.04.2018 and went missing. Complaint was lodged on 10.04.2018 at about 10.15 p.m.
4. As per the FIR, father of the victim stated that she left her house at about 9.00 p.m. and despite searching for her they could not find her.
5. As per the statement of the victim recorded before the Trial Court, she went to the market with her mother on 09.04.2018 and there she met the petitioner, whom she knew for the last 2/3 months. Petitioner took her to a house where he made forceful physical relation with her. Thereafter, she is alleged to have escaped in the morning of 10.04.2018 and gone to the shop of her brother's

friend where she got to know that her parents were looking for her so she left. She met another co-accused who took her to his house and he also committed sexual intercourse with her and thereafter he dropped her at the corner of a street at 7.00 p.m. From there, she went to the another co-accused at about 9.00 p.m., who is also alleged to have committed sexual intercourse with her and in the evening on the following day he is alleged to drop her off and from there she went to the house of her friend and her friend's mother informed the parents of the victim who took her to home.

6. Learned Addl. PP submits that the doctor whose medical certificate has been filed and who examined the mother of the petitioner stated that mother of the petitioner has been examined by him on 16.11.2019 and advised some medication and as per him the problem was not serious.

7. Learned counsel for the petitioner submits that the mother of the petitioner had suffered a road traffic accident and had sustained severe injuries on her head and there is no one in petitioner's family to take care of her as his family comprises of his mother who had suffered the accident and a 16 years old sister and besides them there is no other family member to take care of his mother or even to take her to the doctor for examination. He submits that because of the pandemic there are no funds in the house for getting treatment for the petitioner's mother.

8. Further, learned counsel for the petitioner submits that there is no material to connect the petitioner with the alleged offence except the statement of the victim which is also full of contradictions.

9. Learned counsel for the petitioner submits that the MLC of the victim does not support the case of the prosecution. He further submits that as per her narration she should have returned home on 11.04.2018 whereas in her testimony she says that she came home on 12.04.2018.

10. Learned counsel for the petitioner submits that the petitioner has clean antecedents and has a family to support and apart from the bare allegations there is no evidence to connect the petitioner with the alleged offence.

11. Learned counsel for the petitioner submits that the medical report also does not support the version of the victim that any forceful act was done. He further submits that the testimony of the victim has already been recorded before the trial court.

12. Without commenting on the merits of the case and keeping in view the medical condition of the mother of the petitioner and the facts and circumstances of the case, on petitioner furnishing a bail bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent petitioner, he shall be released on interim bail for a period of four weeks from the date of his release.

13. Further, it is directed that during the period of his interim bail, Petitioner shall

not do anything which may prejudice the trial or the prosecution witnesses. Petitioner shall not endeavour to contact the victim or the family of the victim during this period. Petitioner shall not leave the National Capital Territory of Delhi. Petitioner shall surrender his passport, if any, to the Investigating Officer. Petitioner shall also furnish, to the Investigating Officer, his as well his surety's mobile number which shall be kept active during this period. Petitioner shall surrender to the concerned Superintendent Jail on the expiry of the period of four weeks of his release.

14. Petition is allowed in the above terms.

15. Copy of the order be uploaded on the High Court website and be also forwarded to Learned counsels for the parties through email.