

(2019) 03 DEL CK 0006
In the Delhi High Court
Case No : Bail Application No. 552 Of 2019

Vikas Shah

APPELLANT

Vs

State (Govt Of Nct Of Delhi)

RESPONDENT

Date of Decision : 06-03-2019

Acts Referred:

Indian Penal Code, 1860 — Section 354, 354A

Protection of Children from Sexual Offences Act, 2012 — Section 8, 12

Citation : (2019) 03 DEL CK 0006

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Jyoti Gupta, Rahul Mishra, Hirein Sharma

Final Decision : Allowed

Judgement

Sanjeev Sachdeva, J

CrI.M.A.4725/2019 (exemption)

Exemption is allowed subject to all just exceptions.

BAIL APPLN. 552/2019

1. Issue notice. Notice is accepted by learned APP for the State.
2. With the consent of the parties, matter is taken up for disposal today itself.
3. Petitioner seeks regular bail in FIR No.146/2014 under Sections 354/354A IPC and Sections 8 and 12 POCSO, Police Station Geeta Colony.
4. Learned counsel for the petitioner points out that the petitioner was enlarged on bail by order dated 07.03.2014 and thereafter has continued to remain on bail till Non Bailable Warrants were issued by order dated 04.01.2019. Learned counsel for the petitioner submits that the petitioner could not appear on the said date as he had to travel from Bihar and his train had got delayed.

5. Learned counsel for the petitioner submits that the petitioner has never missed any date of hearing and even the victim has already been examined, cross-examined and discharged.
6. Learned counsel for the petitioner further submits that the Trial Court has issued non-bailable warrants on the ground that the father of the victim was summoned to depose on 04.01.2019 but had to return back unexamined. He submits that thereafter on 16.02.2019, father of the victim failed to appear despite being summoned for the said date.
7. Learned counsel for the petitioner undertakes on behalf of the petitioner that the petitioner shall appear on every date before the Trial Court as and when the matter is listed.
8. Without commenting on the merits of the case and keeping in view the totality of the facts and circumstances of the case, I am of the view that petitioner has made out a case for grant of regular bail. Accordingly, on petitioner furnishing a bail bond in the sum of Rs. 15,000/- with one surety of the like amount to the satisfaction of the Trial Court, petitioner shall be released on bail, if not required in any other case. Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses.
9. Petition is allowed in the above terms.
10. Order Dasti under signatures of the Court Master.