

(2023) 08 DEL CK 0226
In the Delhi High Court
Case No : Bail Application No. 363 Of 2023

Vikender Singh Yadav

APPELLANT

Vs

State Of Nct Of Delhi

RESPONDENT

Date of Decision : 29-08-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 354

Protection of Children from Sexual Offences Act, 2012 — Section 10

Citation : (2023) 08 DEL CK 0226

Hon'ble Judges : Dinesh Kumar Sharma, J

Bench : Single Bench

Advocate : Arjun Dewan, Varun Singh, Pranav Sethi, Hemant Mehla

Final Decision : Disposed Of

Judgement

Dinesh Kumar Sharma, J

CRL.M.A. 2964/2023

Exemption allowed subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 363/2023

1. The present application has been filed under section 439 of Cr.P.C. seeking grant of regular bail in case FIR No. 398/2022 registered at PS Vasant Kunj under Section 354 of IPC and Section 10 of POCSO Act.

2. Learned counsel for the applicant submits that the applicant has been in custody since 02.09.2022 and the charge-sheet has already been filed. It has further been submitted that the applicant is a Sub Inspector in CISF and has an unblemished record.

3. Learned APP for the state has opposed the bail application on the ground that

the offense is serious in nature.

4. The Prosecutrix is present in person. I have talked to the prosecutrix in-camera.

5. In the present case, the FIR was lodged on 02.09.2022 wherein the victim stated that on a day before the registration of the present FIR, she was taught about the good touch and bad touch in the school. Thereafter she realised that on 05.12.2021 applicant had put his hands inside the clothes of the prosecutrix and had made a bad touch. The victim is around 11 years of age.

6. Learned counsel for the applicant submits that the applicant is presently residing in the same colony where the victim and her family are residing. But he is ready to shift from that colony and will reside at some other place which shall be beyond the 5 km radius of the victim's house.

7. In these circumstances, the applicant is admitted to bail on furnishing a personal bond of Rs. 10,000/- with one surety of the like amount subject to the satisfaction of the learned Trial Court and subject to the following conditions:

a) the Applicant will shift from his current residential colony and will reside at some other place which shall be beyond the 5 km radius of the victim's house;

b) the applicant shall appear before the Trial Court and attend the proceedings as and when required;

c) the Applicant shall under no circumstances leave India without prior permission of the Court concerned;

d) the Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case;

e) the Applicant shall provide his mobile number(s) to the Investigating Officer and keep it operational at all times;

f) In case of a change of residential address and/or mobile number, the Applicant shall intimate the same to the Court concerned by way of an affidavit.

8. The application stands disposed of.