

Jagdish vs.state

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SooperKanoon Citation : sooperkanoon.com/1220458

Court : Delhi

Decided On : Jan-09-2019

Appellant : Jagdish

Respondent : State

Judgement :

§~3 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + Judgment delivered on:

09. 01.2019 BAIL APPLN. 3055/2018 JAGDISH STATE versus

... Petitioner

..... Respondent Mr. Santosh Singh, Advocate. Advocates who appeared in this case: For the

... Petitioner

: For the Respondent : CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA Ms. Kusum Dhalla, APP for the State. ASI Hawa Singh, PS Nihal Vihar. JUDGMENT0901.2019 SANJEEV SACHDEVA, J.

(ORAL) 1.

... Petitioner

seeks regular bail in FIR No.461/2017 under Sections IPC and Section 12, POCSO Act, Police Station Nihal Vihar.

2. Allegations against the petitioner are that the petitioner had misbehaved with the prosecutrix, who is aged 15 years. It is alleged that he had undressed himself as well as the prosecutrix and when she shouted, neighbours came and he was apprehended.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that the prosecutrix in her evidence before the Trial Court has not supported the version as recorded in the FIR BAIL APPLN. 3055/2018 Page 1 of 2 and her statement under Section 164 Cr.P.C.

4. Further, it is contended that the maximum sentence which can be imposed is 3 years and the petitioner has been in custody since 06.08.2017, i.e, nearly 17 months.

5. Without commenting on the merits of the case and keeping in view of the totality of facts and circumstances and also the fact that the petitioner is alleged to have committed an offence under Section 354 IPC and Section 12 POCSO and maximum punishment that can be imposed can extend upto 3 years and the petitioner has already been in custody for 1 year 5 months and trial is likely to take some more time, I am of the view that the petitioner is entitled to grant of regular bail.

6. Accordingly, 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 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.

... Petitioner

shall not contact the prosecutrix or her family. Petition is disposed of in the above terms. Order Dasti under signatures of the Court Master.

7. 8. JANUARY09 2019/st SANJEEV SACHDEVA, J BAIL APPLN. 3055/2018

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