

Jogender Kumar vs.state

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Court : Delhi

Decided On : Jan-21-2019

Appellant : Jogender Kumar

Respondent : State

Judgement :

§~9 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + Judgment delivered on:

21. 01.2019 BAIL APPLN. 2364/2018 JOGENDER KUMAR STATE versus

... Petitioner

..... Respondent Advocates who appeared in this case: For the

... Petitioner

: For the Respondent : Mr. Umesh Kumar and Ms.Ranjana Chauhan, Advs. Mr.Hirein Sharma, Addl. PP for the State with SI Sudeep Kumar, P.S.Bindapur.

CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT SANJEEV SACHDEVA, J.

(ORAL) 1.

... Petitioner

seeks anticipatory bail in FIR No.0769/2018, under Section 12 POCSO & 506 IPC, registered at Police Station Bindapur.

2. The allegations against the petitioner made by the prosecutrix in the FIR are that the petitioner had caught the wrist of the prosecutrix and was inquiring about the address of her co-student and when she declined to divulge the address, he is alleged to have caught hold of her neck and thereafter threatened her. She thereafter ran away from the spot. BAIL APPLN. 2364/2018 Page 1 of 3 3. Learned counsel for the petitioner submits that from the bare reading of the FIR, no offence under The Protection of Children from Sexual Offences Act (POCSO) is made out and there is no sexual assault. Further it is contended that the subject FIR has been lodged to implicate the petitioner as there is dispute between the petitioner and the father of the prosecutrix and the petitioner was earlier also falsely implicated.

4.

... Petitioner

was granted interim protection on 08.10.2018 subject to joining investigation.

5. Learned APP informs that petitioner had joined investigation. Investigation is complete and charge sheet has been filed. He further submits that keeping in view the facts as emerged during investigation, no offences under Section 12 POCSO was established and charge sheet has been filed under Section 354D and 506 IPC.

6. Without commenting on the merits of the case and keeping in view of the totality of the facts and circumstances, I am satisfied that the petitioner has made out a case for grant of anticipatory bail.

7. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail 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 arresting officer/Investigating Officer/SHO concerned.

... Petitioner

shall not do BAIL APPLN. 2364/2018 Page 2 of 3 anything that may prejudice either the trial or the prosecution witnesses.

... Petitioner

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

8. 9. SANJEEV SACHDEVA, J JANUARY21 2019/rk BAIL APPLN. 2364/2018
Page 3 of 3

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