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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1494/2017**

**WASIM**

..... Petitioner

Represented by: Mr. Ravi Kumar, Advocate

versus

**STATE (NCT OF DELHI)**

..... Respondent

Represented by: Mr. Amit Gupta, APP for State

SI Pooja PS: Ranhola

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

**31.01.2018**

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The detailed status report as directed has not been filed. However, the same has been handed over in Court, which is taken on record.

By this petition, the petitioner seeks anticipatory bail in case FIR No. 401/2017 under Sections 365/376/511/506/354/34 IPC & 4/18/8 - POCSO Act, PS Ranhola .

The above noted FIR was registered after a written complaint was made by the prosecutrix in Police Station – Ranhola on 28<sup>th</sup> June, 2017 stating that she was aged 14 years of age and on 14<sup>th</sup> February, 2017 was kidnapped by the petitioner who was taking tuitions and residing near her house. It was the complaint of the prosecutrix that the petitioner and his friends namely Yogesh and Vivek pushed the prosecutrix forcibly into the car, tied her hands and legs and thereafter the petitioner tried to commit rape on her. In the meantime a phone call was received on the phone of Wasim and he left threatening her.

However, before this FIR was registered, an information being DD No. 35A was registered at Police Station Ranhola on 14<sup>th</sup> February, 2017

wherein it was stated that the caller's sister had been taken away by a boy's sister and mobile phone was found switched off which was registered as DD No. 35A. During the inquiry, a girl who was the prosecutrix and had got lodged FIR No. 401/2017 along with Wasim and his parents reached the Police Station and stated that she had gone on her own and nothing had happened. Since the victim was a minor, she was counselled by the CWC/West as well as the Counsellor of Manas Foundation on 15<sup>th</sup> February, 2017 however the prosecutrix stuck to her version that nothing untoward happened. On 14<sup>th</sup> February, 2017, medical examination of the victim was also got conducted. However, the mother of the victim refused internal examination.

Considering the earlier statement of the prosecutrix, belated lodging of the FIR and the MLC, this Court deems it fit to grant anticipatory bail to the petitioner. The petitioner has joined the investigation. It is therefore directed that in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of ₹ 25,000/- with one surety of the like amount to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that the petitioner will join the investigation as and when directed and will not leave the country without the prior permission of the Court concerned.

Petition is disposed of.

**MUKTA GUPTA, J.**

**JANUARY 31, 2018/P**