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Case No. 2185/16

FIR No. 419/15

PS- Kalkaji

U/s- 376D/363/354A IPC, 4,6 POCSO Act

State Vs Devpal etc.

27.04.2017

Present: Sh. Sunil Dutt, Ld. Additional Public Prosecutor for the state.

Both accused produced from JC.

Sh. Chuman Mandal, counsel for accused Devpal.

Submissions heard on the bail application u/s- 439 Cr.P.C moved on behalf of the accused/applicant Devpal.

It is submitted by the defence counsel that applicant is innocent and has been falsely implicated. It is stated that applicant has been arrested on 14.05.2015 and since then he is in JC. It is stated that applicant is not a previous convict and has a family to look after. It is stated that charge has been framed and matter is fixed for prosecution evidence but no single witness is examined by the court. It is stated that applicant undertakes not to tamper with the evidence and shall abide by the terms and conditions as may be imposed by the court.

On the other hand Ld. Addl. PP has opposed the bail application submitting that prosecutrix has levelled serious allegations against the applicant and she is yet to be examined and if the accused is released on bail he may overawe the prosecution witnesses.

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Considering the facts and circumstances of the case where the prosecutrix is yet to be examined in the court and the possibility of overawing the prosecution witnesses cannot be ruled out, bail application is dismissed.

List the matter on the date already fixed.

At this stage, counsel for accused stated that he has not received the copy of FSL result which has already been filed in the court. Let the copy of the same be supplied to him.

Copy of the order be given dasti. Copy of the order be sent to the Jail Superintendent, Tihar, New Delhi to be communicated to the accused. No observation made in this order shall affect the merits of the case.

(SUNIL CHAUDHARY)
ASJ-01/ SED/ SAKET COURTS/
NEW DELHI/27.04.2017