

SC No. 365/17  
State Vs Sunny  
FIR No. 237/17  
PS : Badarpur  
U/s 377/376D/363/366/342/120B IPC & 6 POCSO Act

11.10.2017

Present : Shri M.R. Chanchal, counsel for applicant/accused, Sunny  
Mr. Kumar Shailabh, counsel for complainant  
Shri Sunil Dutt, Ld. Addl. PP for the State  
IO/W/SI Sarita in person

Upon perusal of final report and the documents filed alongwith it, the same discloses sufficient material to proceed against the accused for the offences alleged. Accordingly, cognizance of the offences is taken. Accused Sunny Singh has been produced from JC and copies supplied to him. Accused is directed not to misuse the CD and not to disclose the identity of the victim in any manner.

The learned counsel for the complainant has filed vakalatnama alongwith an application U/s 25(2) of POCSO Act for supplying copies of the charge sheet. IO is directed to supply the copy of final report alongwith documents to the complainant. Reply to the application for release of motorcycle on superdari has been filed but the Ld. Counsel for the applicant/accused, Sunny Singh submits that he does not seek to press the said application as the same lacks material particulars. The learned counsel has made an endorsement of withdrawal of the said application on the margin of the application. The application is disposed off accordingly.

Reply filed to the bail application U/s 439 Cr.P.C. moved on behalf of the applicant/accused, Sunny Singh. Submissions heard from both sides.

It is being submitted by the learned counsel for the applicant that the applicant, Sunny Singh has nothing to do with the alleged offence and that he has been falsely implicated. It is further submitted that applicant is in JC since 19.06.2017 and that three co-accused have been granted bail by the JJB and applicant undertakes to abide by the terms and conditions of bail.

Per contra, the Ld. Addl. PP for the State submits that the applicant alongwith his co-accused had committed penetrative sexual assault/gang rape upon a minor girl aged about 15 years and that the bail granted to the co-accused was on ground of their juvenility. It is further submitted that the applicant/accused may threaten the victim/complainant in case he is enlarged on bail. It is further submitted that the applicant, Sunny Singh was an adult while his other co-accused were juveniles.

In view of the aforementioned facts and circumstances and particularly in view of the serious nature of allegations made against the applicant and in view of the statement of the prosecutrix U/s 164 Cr.P.C., the apprehension of prosecution regarding overawing the public witnesses by the applicant cannot be ruled out. Accordingly, I am of the considered opinion that the applicant/accused is not entitled for any bail at this stage and as such the bail application is hereby dismissed. No observation made in this order shall affect the merits of the case. Copy of the order be sent to the Jail Superintendent, Tihar Jail, New Delhi to be communicated to the accused.

Put up for scrutiny of documents on 10.11.2017.

( PREM KUMAR BARTHWAL )  
ASJ-01-SE, Special Court(POCSO)  
Saket Courts, New Delhi/11.10.2017