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SC No. 2778/16
FIR No. 397/16
PS- Badarpur
U/s- 377/323/506 IPC, 4 POCSO Act
State Vs Nitin @ Kamal

01.02.2017

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

Sh. Charanjeet Singh, counsel for accused.

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

It is submitted by the counsel for accused that medical documents are not corroborating the allegations made by the complainant and that the complainant as well as applicant are of same physique and it is not possible that the applicant had done the alleged act with the complaint without any injuries and that no public persons have been examined during the investigations.

Ld. Addl. PP submits that MLC shows injuries at the anus and the doctor has opined that there are signs suggestive of recent insertion of penis or penis like object into the anal canal. It is submitted that as per statement of the complainant he was slapped by the applicant so there is no possibility that physical injury will be there on the body of the complainant for those slaps. It is stated that under section 164 Cr.P.C complainant has stated in support of the complaint.

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Considering the facts and circumstances, the MLC and statement of the complainant cannot be disbelieved at this stage as such application is dismissed.

Put up on 08.02.2017 on submissions on charge.

Copy of the order be given dasti to the counsel for accused. No observation made in this order shall affect the merits of the case.

(SUNIL CHAUDHARY)
ASJ-01/SED/SAKET COURTS/
NEW DELHI/01.02.2017