

Dharmander Singh @ Sahib ... vs The State (Govt. Of Nct, Delhi) on 6 July, 2020

Author: Anup Jairam Bhambhani

Bench: Anup Jairam Bhambhani

via Video-conferencing

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPL. 1559/2020 & CRL. M.A. No. 8707/2020

DHARMANDER SINGH @ SAHIBPetitioner/Applicant.
Through : Ms. Vagisha Kochar, Advocate.

versus

THE STATE (GOVT. OF NCT, DELHI) Respondent
Through : Mr. Tarang Srivastava, APP for
State.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI
ORDER

% 06.07.2020 CRL. M.A. No. 8707/2020 (for exemption) Exemption is granted, subject to just exceptions and subject to the applicant completing all requirements of filing typed/certified/ legible copies of annexures, attested affidavits and the requisite court fees within 10 days of physical re-opening of the court.

The application stands disposed of.

The petitioner, who is an undertrial in case FIR No.471/2018 dated 14.10.2018 registered under sections 323 /343 /363 /366A /376 / 506 IPC read with sections 6/21 of the POCSO Act 2012 at PS : Hari Nagar, Delhi, seeks regular bail.

2. Ms. Vagisha Kochar, learned counsel appearing for the applicant states that the applicant and the prosecutrix were in a consensual relationship; and that while the applicant was about 22 years of age, the prosecutrix was in fact 19 years of age, though she now denies this fact and claims to be a minor. Ms. Kochar further states that even as per the testimony of the prosecutrix given during trial, it is evident that there was no lack of valid consent on her part.

3. Ms. Kochar further points-out that the applicant has been in custody since 17.11.2018. It is submitted that the applicant's mother was also co-accused under section 21 of the POCSO Act, but has since been discharged by the trial court.

4. Issue notice.

5. Mr. Tarang Srivastava, learned APP for the State appears on advance copy; accepts notice; and seeks time to file status report.

6. Let status report be filed before the next date, with advance copy to the opposing counsel.

7. Let updated nominal roll be requisitioned from the Jail Superintendent.

8. List on 24.07.2020.

ANUP JAIRAM BHAMBHANI, J.

JULY 06, 2020 j