

**HIGH COURT OF DELHI****Date of Decision: 01.12.2023**

BAIL APPLN. 1923/2023

**RAM PRASAD ...Petitioner****Versus****STATE NCT OF DELHI ...Respondent****Headnote .**

Bail Application – Regular Bail Granted – Petitioner in judicial custody since 18.12.2019 for FIR No. 431/2019 under IPC sections 323/341/354/506/34 & Section 10 of POCSO Act – Bail granted based on length of custody, examination of material public witnesses, and absence of risk of evidence tampering. [Para 1, 7-8]

Case Background – Allegations of Property Occupation and Assault – Complainant alleged illegal property occupation and physical assault by the petitioner, including outraging modesty and cutting hair of complainant's son. FIR based on these allegations led to petitioner's arrest. [Para 2-3]

Legal Proceedings and Arguments – Examination of Witnesses and Bail Opposed by State – Statements of complainant and her son recorded under Section 164 Cr.P.C. Petitioner's counsel argued for bail citing imprisonment duration and examination of material witnesses. State opposed bail, highlighting grave nature of allegations. [Para 4-6]

Decision – Consideration of Custody Duration and Witness Examination – Court noted petitioner's extended custody and completion of key witness examinations. Bail granted with conditions, including a personal bond and surety, subject to Trial Court's satisfaction. [Para 7-8]

Decision: The Court granted bail to Ram Prasad, subject to his furnishing a personal bond of Rs. 25,000 with a surety of the same amount, to the satisfaction of the Trial Court.

**ORDER****RAJNISH BHATNAGAR, J.**

1. The present bail application has been filed by the petitioner under Section 439 Cr.P.C for grant of regular bail in case FIR No. 431/2019 U/s 323/341/354/506/34 IPC & Section 10 of POCSO Act registered at Police

Station Khyala.

2. In brief the facts of the case are that the present FIR was registered on the basis of the complaint of complainant "M" in which she alleged that petitioner had illegally occupied her property. She further alleged that on 18.12.2019, in the evening, when she was standing at her door, petitioner assaulted to outrage her modesty. She further alleged that petitioner told her that he would undress her as he had done previously the same with Sardar's women in 1984. After that petitioner did hair cut (Kesh of Juri) of complainant's son namely "J" aged 6 years.
3. In the meanwhile other family members of petitioner namely Pinki, Geeta and Somwati came and attacked upon the complainant's daughter, mother-in-law and her neighbour Priyanka with sticks and beaten them. After the registration of the case the investigation went underway and petitioner was arrested at the instance of the complainant and sent to J.C. During the course of investigation statement U/s 164 Cr.P.C. of complainant and her son master "J" was got recorded.
4. I have heard the Ld. counsel for the petitioner, Ld. APP for the State assisted by the Ld. counsel for the complainant, perused the Status Report and also perused the records of this case.
5. At the outset, it is submitted by the Ld. counsel for the petitioner that the petitioner is in J.C. since 18.12.2019 and the maximum punishment provided for the offence U/s 10 of the POCSO Act is 7 years. It is further submitted by him that all the material witnesses have been examined and no useful purpose would be served by keeping the petitioner in J.C.
6. On the other hand, Ld. APP for the State assisted by the Ld. counsel for the complainant while opposing the bail application has argued on the lines of the Status Report and further submitted that the allegations against the petitioner are grave and serious in nature.
7. In the present case, the petitioner is in J.C. since 18.12.2019, the material public witnesses have been examined and only official witnesses remain to be examined. The maximum punishment provided for the offences under which the petitioner has been charged is 7 years.
8. Therefore, looking into the length of the custody and also the fact that the material public witnesses have been examined and there are no chances of tampering with the evidence and also the fact that only official witnesses

remain to be examined, the application is allowed and the petitioner is admitted to bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Ld. Trial Court. The bail application is disposed of accordingly.

© All Rights Reserved @ LAWYER E NEWS

\*Disclaimer: Always compare with the original copy of judgment from the official website.