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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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+ **BAIL APPLN. 603/2023**

NARENDER KUMAR YADAV Petitioner

Through: Mr. Pushkar Aryal, Ms. Toshi
Sharma, Mr. Naveen Dabas and Mr.
Ratneshwar, Advocates.

versus

STATE OF NCT OF DELHI Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Bimla.
Ms. Astha, Advocate for victim along
with mother of the victim.

5.

+ **BAIL APPLN. 611/2023**

MOHIT KUMAR Petitioner

Through: Mr. Pushkar Aryal, Ms. Toshi
Sharma, Mr. Naveen Dabas and Mr.
Ratneshwar, Advocates.

versus

STATE OF NCT OF DELHI Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Bimla.
Ms. Astha, Advocate for victim along
with mother of the victim.



6.

+ **BAIL APPLN. 627/2023**

PARVENDER KUMAR ALIAS GANTHA Petitioner

Through: Mr. Pushkar Aryal, Ms. Toshi Sharma, Mr. Naveen Dabas and Mr. Ratneshwar, Advocates.

versus

STATE OF NCT OF DELHI Respondent

Through: Mr. Amit Ahlawat, APP for the State with SI Bimla.
Ms. Astha, Advocate for victim along with mother of the victim.

**CORAM:
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

ORDER
15.12.2023

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1. The present petitions have been filed under Section 439 Cr.P.C. by the petitioners seeking regular bail in case FIR No. 357/3022 under Sections 376DA/328/342 Indian Penal Code, 1860 and Section 6 of the POCSO Act registered at Police Station Narela.

2. It is submitted by learned counsel for the petitioners that the victim who has been examined as PW-1 has not supported the case of the prosecution and even the mother of the victim who has been examined as PW-2 has also turned hostile. It is further submitted that PW-2 failed to corroborate the statement given by the PW-1 during her examination-in-chief and has in fact, stated that she found her daughter who was drunk outside her house on the alleged date of



incident.

3. I have perused the testimonies of the PW 1 and PW 2. A perusal of the testimony of PW-1 shows that PW-1 stated that on the alleged date of incident, which she was unable to remember, she had consumed alcohol and nothing had happened with her. This version finds support from the testimony of PW -2 who is the mother of the victim. PW-2 also stated that the on the alleged date of incident, she found her daughter outside of her house in inebriated condition smelling of alcohol and she also stated that her daughter had not disclosed her anything about the alleged rape.

4. Keeping in view the facts and circumstances of the present case, the present petitions are allowed and the petitioners are admitted to bail on the following conditions:-

- (i) The Petitioners shall furnish personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the concerned trial court;
- (ii) The petitioners shall provide their mobile phone number to the Investigating Officer (IO) concerned – at the time of release, which shall be kept in working condition at all times. The petitioners shall not switch-off, or change the same without prior intimation to the IO concerned, during the period of bail;
- (iii) The petitioners shall not leave the country without the prior permission of the concerned trial court.;



- (iv) The petitioners shall not indulge in any criminal activity during the bail period.
5. The petitions stand disposed of in the aforesaid terms.
6. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of the case.

RAJNISH BHATNAGAR, J

DECEMBER 15, 2023

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