



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

Reserved on : 09.08.2023

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Pronounced on : 04.09.2023

+ **BAIL APPLN. 3340/2022**

RAHUL

..... Petitioner

Through: Mr. Baban Kumar Sharma and Mr.
Amiruddin, Advocate.

versus

STATE NCT OF DELHI

..... Respondent

Through: Ms. Priyanka Dalal, APP for the State
with Ms. Chandan Chaudhary, IAS
DCP South District, ACP Ram
Sunder, Insp. Rajnish Kumar and ASI
Pradeep Kumar.
Ms. Gayatri Nandwani and Ms.
Mudita Sharda, Advocates for the
complainant.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. This is a petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No. 212/2022 under Sections 354/354A/509/341 IPC and Sections 8/12 of POCSO Act registered at Police Station Tigri.
2. In brief the facts of the case are that on 09.05.2022, the victim was returning from her school and at about 12.40 P.M when she reached near

BAIL APPLN. 3340/2022

Page 1 of 4



the temple which was built close to her house, the accused Rahul @ Paltan (Petitioner herein) grabbed her hand from behind and started molesting her. When the victim raised hue and cry, the petitioner started abusing her and ran away from the spot. Subsequently, FIR No. 212/2022 under Sections 354/354A/509/341 IPC and Sections 8/12 of POCSO Act was registered at Police Station Tigri.

3. I have heard the learned counsel for the petitioner, learned APP for the State and perused the status reports filed by the State.

4. It is submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in this case and is in judicial custody since 11.05.2022. He further submitted that the allegations stated in the F.I.R against the petitioner are inconsistent, false and frivolous as there are several discrepancies in the F.I.R, statement of victim under Section 164 Cr.P.C, statement given to the Doctor and the first information call made to police officer by complainant's father. He further submitted that the video clip submitted with the supplementary chargesheet clearly shows that the allegations are false and the victim has a personal vendetta against the petitioner as he got her father arrested by assisting the police officials. While placing reliance upon the judgment of the Hon'ble Supreme Court in *Attorney General for India and Ors. vs. Satish and Ors. [Special Leave Petition (Crl.) No. 7472 of 2021]*, Ld. counsel for the petitioner submitted that the petitioner and victim were only neighbors and the victim had been harassing the petitioner by posting abusive comments on online platform when the incident took place and further, the petitioner stopped the victim for merely 1-2 seconds to talk regarding the same which shows that there was no sexual or ill motives from the petitioner's side. Lastly, he submitted



that the investigation has already been completed and as the trial would take a long time to conclude, no purpose would be served by keeping him in judicial custody.

5. On the other hand, learned APP for the State has vehemently opposed the bail application and has argued on the lines of the status reports. She submitted that the allegations are grave and serious in nature and the victim who was only 16 years of age at the time of incident has supported the case in view of her statement recorded under section 164 Cr.P.C and has levelled specific allegations against the petitioner of touching her cheeks, chest and waist. She further submitted that the parents of the victim have been threatened with dire consequences on behalf of the petitioner and in this regard FIR no. 117/2023 has also been registered against the persons who have threatened the parents of the victim at P.S.Tigri. She further submitted that the petitioner is also involved in case FIR No. 279/2018 under Sections 302/307 and 34 IPC, P.S. Neb Sarai. Lastly, she submitted that though the victim has already been examined in the trial court but the testimony of the parents of the victim is yet to be recorded and thus, the present bail application of the petitioner is strongly opposed.

6. In the instant case, the victim (PW-1) in her testimony recorded in the court has fully supported her case. The perusal of the same shows that the victim has levelled specific allegations against the petitioner of grabbing her hand, covering her mouth, trying to drag and take her somewhere else, touching her waist and chest inappropriately and also, abusing her.



7. As far as the contention of the counsel for the petitioner that there are several discrepancies in the statements of victim, the same is a matter of trial and cannot be decided at this stage.

8. Keeping in view the circumstances of this case and the fact that the parents of the victim have been threatened with dire consequences on behalf of the petitioner, the testimony of the parents of the victim is yet to be recorded, the minority of victim at the time of the alleged offence coupled with serious allegations against the petitioner who is the neighbor of the victim, no benefit can be given to him at this stage and the bail application along with pending application (if any) is, therefore, dismissed.

9. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of this case.

RAJNISH BHATNAGAR, J

SEPTEMBER 04, 2023/

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