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

+ **BAIL APPLN. 179/2024**

LALIT PASWAN @ PANJI

..... Petitioner

Through: Mr. Rohit Lakra, Advocate

versus

THE STATE N.C.T. OF DELHI

..... Respondent

Through: Mr. Satish Kumar, APP for the State.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

05.03.2024

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1. The instant application under Section 439(1) read with Section 482 Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of applicant seeking grant of interim bail for a period of 30 days in case arising out of FIR bearing No.720/2023, registered at Police Station Shahbad Dairy, Delhi for offences punishable under Sections 376/323/328/506 of the Indian Penal Code, 1860 ('IPC') and Section 6 of the Protection of Child from Sexual Offences Act, 2012 ('POCSO').

2. Briefly stated, it is the case of the prosecution that a complaint had been received from the complainant wherein it had been alleged that around four months back the complainant was travelling back to her house and at around 2:00 PM near DDA Park, near CNG Pump, Sector 25, Rohini she had been nabbed by two boys who had muffled her face and had taken her to a nearby secluded area where one of the boys had left from the alleged area



and the other accused boy had forcefully raped and had outraged her modesty. However, it had been stated by the complainant that she won't be able to recognize the accused boys as her face had been covered but she had somehow managed to escape the situation. It is further alleged that the complainant had visited BSA Hospital on 28.07.2023 as she did not have regular period cycles and upon examination by the doctors it had been revealed that the complainant was pregnant and the same had been disclosed to complainant's mother. After that on 31.07.2023 the complainant had again visited BSA Hospital for the purpose of abortion. Thereafter, medical examination of the victim/complainant had been conducted *vide* MLC No. 405/2023. As a result, the present FIR had been registered.

3. Learned Counsel appearing on behalf of the petitioner submits that the applicant is seeking interim bail for a period of 30 days on the grounds that the wife of the petitioner has given birth to a male child and there is no member in his family to look after his wife. It is further submitted that investigation qua the present applicant has been completed and the chargesheet stands filed. Therefore, interim bail be granted to the present applicant so that he can take care of his newly born child and wife.

4. *Per Contra*, learned APP for the State submits that the allegations in the present FIR are serious and that the prosecutrix/victim/complainant had been forcefully raped which had resulted in pregnancy and the FSL report in this regard is still awaited. It is further submitted that if bail is granted to the applicant he may influence the complainant and can temper with the evidence. Therefore, bail be rejected.

5. This Court has heard arguments on behalf of both the parties and has perused the material placed on record.



6. As per the case of the prosecution the prosecutrix was minor at the time of incident and it is alleged that the applicant had forcefully raped the prosecutrix and as a result the prosecutrix had got pregnant which ultimately culminated in registration of the present FIR for offences punishable under Sections 376/323/328/506 of the IPC and Section 6 of the POCSO Act.

7. This Court notes that the allegations in the present FIR are serious in nature and the prosecutrix who was a minor on the date of incident has supported the case of the prosecution in her statement recorded under Section 164 Cr.P.C. It is also worth noting that the victim in the instant case had become pregnant. The FSL/DNA report which is awaited would reveal as to whether the present applicant is connected with the offence or not. The instant case is listed for evidence of the prosecutrix before the learned Trial Court. Furthermore, as per learned APP for the State the wife of the applicant is not living alone and there are other family members to take care of the wife of the applicant. Thus, this Court is not inclined to grant interim bail to the present applicant at this stage.

8. Accordingly, the present application for grant of interim bail stands dismissed.

9. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

10. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 5, 2024/ns

Click here to check corrigendum, if any