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

+ **BAIL APPLN. 1323/2024**

SAPNA GOYAL

.....Petitioner

Through: **Mr. Kishore Kumar, Advcoate.**

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: **Mr. Sanjeev Sabharwal, APP for the State with Insp. Virender Kumar, IO, HC Anuj and W/HC Sukanya alongwith complainant..**
Ms. Sonakshi Singh, Advocate, Amicus Curiae for Respondent no. 2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

18.07.2024

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1. By way of this bail application, the petitioner seeks regular bail in FIR No. 44/2021 under Sections 363/328/366/370/376D/506/468/471/474/34 IPC, Sections 75 J. J. Act, Sections 6/14 of the POCSO Act, Sections 3/5 of the I.T.P. Act registered at Police Station Kapashera.

2. Learned counsel for the applicant submits that initially only a missing report was lodged by the mother of the child victim stating that the child victim has not come back home on 13.01.2021, later this date was changed to 15.01.2021. He further submits that the testimony of the child victim already stands recorded and that there are total 29 witnesses and out of



which only 12 witnesses have been examined so far. He further submits that there is material on record which indicates that the mother of the child victim was aware of the incident as the money was transferred from the account of the co-accused, namely, *Sanjay* to the account of the mother of the child victim. He further submits that there is no concrete material collected during the investigation which establishes the date of birth of the child victim. Learned counsel lastly submits that the child victim had denied her internal medical examination.

3. The application is vehemently opposed by the learned APP duly assisted by Ms. Sonakshi Singh, learned Amicus Curiae, appointed for the child victim. Learned APP submits that testimony of the child victim is replete with incidents where the present applicant is stated to be present at the time of initial commission of rape on the victim by the co-accused and of her being taken to various places where present applicant has forced the victim into child prostitution. The testimony of the child victim also refers to incidents where she was injected with hormones time and again. On the aspect denial of internal medical examination by the child victim, Ms. Singh, submits that when her MLC was being conducted, the child victim was menstruating. Learned APP further states that during investigation, school records of the child victim have been obtained, as per which, her date of birth is found to be 10.03.2009, which makes her only 11 years and 9 months old at the time of the incident.

4. Having examined the facts of the case as well as after going through the testimony of the child victim and also considering the fact that the role of the applicant is clear and has been specified in detail, I find no ground to



release the applicant on bail.

5. The bail application is, accordingly, dismissed.

MANOJ KUMAR OHRI, J

JULY 18, 2024

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