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

+ **BAIL APPLN. 2168/2024**

RAVI KUMAR

.....Petitioner

Through: Mr. Sandeep Sharma, Mr. Sarthak Mannan, Mr. Amit Choudhary, Ms. Konika Mitra, Mr. Hunny Veer Singh, Mr. Sidharth Tripathy, Mr. Ankit Parindiyal, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for State and SI Sapna, PS Aman Vihar. Ms. Bandana Kaur Grover, Mr. Neeraj Sharma, Advs. for Complainant.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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01.10.2024

1. The present Anticipatory Bail application has been filed under Section 438 Cr.P.C. on behalf of applicant in case FIR No. 0387/2024 under Section 354/354A/34 IPC and Section 10/21 POCSO Act registered at PS Aman Vihar, Delhi.
2. Briefly stated the case of the prosecutions is that on 12.06.2024 GD No. 65A was marked to SI Sapna. The complainant 'S' aged 17 years came to the police station along with her father and produced a hindi typed complaint before the IO wherein she alleged that the petitioner's family and victims' family were in good terms with each other. It was alleged that the petitioner has been harassing the victim for the last 1-



1.5 years. The petitioner used to touch her inappropriately. The victim alleged that she had told about this to her mother. But her mother ignored and told that she might be misunderstanding as the accused/petitioner is her uncle and might be loving her. The petitioner alleged that however sexual harassment kept on increasing day by day. The victim also told her mother that she was going to tell about all the incidents to her father. However, mother of the victim stopped the victim from doing so stating that this may cause conflict between the families.

3. The victim further alleged that in February 2024, petitioner came to the house of the victim and while she was alone the petitioner took his hand inside the salwar of the victim and touched and pressed her private part. The victim screamed, on which the petitioner ran away. The victim alleged that the father of the petitioner Veerbhan was also in the knowledge of all the facts. The FIR No. 0387/2024 under Section 354/354A/34 IPC and Section 10/21 POCSO Act was lodged. The testimony of victim under Section 164 Cr.P.C. was recorded.
4. Sh. Sandeep Sharma, learned counsel for the petitioner submits that it is totally a false and frivolous case having been lodged against the petitioner. Learned counsel submits that in fact petitioner and mother of the victim Mrs. 'B' were in the live-in relationship. It has been submitted that they were residing together since 20.03.2024 at their own free will. Learned counsel submits that in fact the present FIR was triggered after the complaint was made by Mrs. 'B' i.e., mother of the prosecutrix on 11.06.2024 that she has gone at her own free will with her friend. Learned counsel submits that immediately thereafter the



present FIR was lodged by the prosecutrix. Learned counsel submits that in fact the prosecutrix was major on the day of the incident and the date of birth produced by her was found to be false. Learned counsel submits that the petitioner has been joining the investigation and therefore, he may be admitted to anticipatory bail.

5. Learned counsel for the complainant and prosecution has vehemently opposed the bail application. Learned counsel for the complainant submits that even if the prosecutrix was major on the date of registration of the FIR, the incident alleged as on 1-1.5 years back and at that time the prosecutrix was minor. Learned counsel for the complainant also submitted that the petitioner is a habitual offender and if he is released on bail he may spoil the life of other girls also. Learned counsel for the complainant has also submitted that her house has been ransacked and the threats have been extended for which a complaint dated 24.08.2024 has been made. Learned APP for the State submits that this complaint is pending for enquiry.
6. Family of the prosecutrix as well as her mother Mrs. B are present in the Court. It is not disputed that Mrs. B is still residing with the petitioner. IO has also submitted that the document regarding the date of birth given by the prosecutrix were found to be incorrect. IO has stated that as per the verification report on the basis of the school record, the date of birth of the prosecutrix has been found to be 08.08.2005. It is a matter of record that the allegations made in the FIR were of 1-1.5 years old. The last incident alleged was of February 2024. From that parameter, there is a delay of around 04 months in the registration of the FIR. It is a matter of record that there is a dispute



between the two families. The petitioner has been joining the investigation.

7. In view of the facts and circumstances, the petitioner is admitted to Anticipatory Bail on furnishing a personal bond of Rs. 20,000/- with one surety of the like amount subject to the satisfaction of Ld. Trial Court subject to the following conditions:
 - a) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - b) the petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;
 - c) The petitioner shall not reside in the locality where the prosecutrix and her family members are residing.
 - d) In case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/Court concerned by way of an affidavit.
 - e) the petitioner shall also inform the investigation officer about any change in their address.
8. The prosecutrix shall have a right to move an application for cancellation of bail.
9. In view of the above, the present petition along with pending application(s), if any, stands disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 1, 2024/AR/DG..