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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ BAIL APPLN. 2242/2024, CRL.M.A. 19031/2024,  
CRL.M.A. 19032/2024  
ABHISHEK BISWAS

.....Petitioner  
Through: Mr. Milind P. Singh, Mr. Jitendra  
Kumar and Mr. Aditya Pathak,  
Advocates.

versus  
STATE NCT OF DELHI

.....Respondent  
Through: Mr. Satinder Singh Bawa, Ld. APP  
for State with SI Chanchal P.S. Amar  
Colony.  
Mr. Kumar Shailabh, Advocate for R-  
2.

**CORAM:**  
**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

% **03.07.2024**

1. Fresh Bail Application under Section 439 of Cr.P.C has been filed on behalf of the petitioner in regard to offence under Sections 328/ 376 IPC and Section 6 of POCSO Act.
2. Learned counsel for the petitioner has submitted that the accused is in Judicial custody since 30.08..2022. All the material witnesses have already been examined by the prosecution. There are material contradictions in the testimony of the witnesses. No fruitful purpose would be served in keeping the accused in Judicial Custody. An interim bail was granted to the accused who surrendered in time and has never misused his liberty. He has two



small children aged 3 and 1 year respectively. It is, therefore, submitted that by denying the bail, he cannot be prejudged to have committed the offence and be punished unnecessarily. A prayer is made that he may be granted bail.

3. **The bail is opposed on behalf of the State** wherein it is submitted that the accused is the maternal uncle of the prosecutrix, who was aged about 14 years at the time of the offence. All the material witnesses have already been recorded. It is also submitted that the bail has been earlier denied to the applicant by this Court vide detailed order dated 02.05.2023. The prosecutrix has supported the case of the prosecution. The trial is almost at the end. Considering the gravity of the offence and the young age of the prosecutrix, it is not a fit case for grant of bail

4. Learned counsel for respondent No.2/complainant has argued that looking at the relationship between the prosecutrix and the accused which has been grossly abused by him, the gravity of the offence does not warrant any ground for grant of bail to the petitioner at this stage.

5. **Submissions heard.**

6. The earlier bail application has been rejected by this Court on 02.05.2023. Looking at the gravity of the offence and also that the trial is almost at the end as the material prosecution witnesses have already been examined, this is not a fit case for grant of bail, which is hereby dismissed.

**NEENA BANSAL KRISHNA, J**

**JULY 3, 2024/va**