$~68

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

\+ **CRL.M.C. 5316/2019**

SHAAN SANSAWAL .....Petitioner

Through: Mr. Vipul Goel, Adv.

versus

STATE & ANR. .....Respondents

Through: Mr. Naresh Kumar Chahar, APP for the State. SI L. Lama, PS Kishangar /SWD.

**CORAM:**
**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**O R D E R**

**% 14.08.2024**

1. The present petition is filed challenging the order dated 12.09.2019, pursuant to which bail was granted to the Respondent No. 2 in FIR No. 320/2019 dated 13.08.2019, under Sections 354A/506 of the Indian Penal Code, 1860 ('**IPC**') and under Sections 12/8 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Kishan Garh.

2. The FIR was registered on a complaint made by the petitioner alleging that she had been sexually assaulted by the accused. It is alleged that the accused touched her in a wrong way and tried to compel her to establish physical relations with him. The Respondent No. 2 was arrested on 13.08.2019.

3. The learned Trial Court noted that there are disputes between the accused and the family of the victim. It was also noted that the victim had not given any specific date of assault having been committed upon her though some dates were later mentioned in the Statement under Section 164 of the Code of



*This is a digitally signed order.*
*The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.*
*The Order is downloaded from the DHC Server on 20/08/2024 at 12:51:35*

Criminal Procedure, 1973.

4. The learned Trial Court also noted that the nature of allegations is non penetrative sexual assault.

5. The present petition was filed way back on 10.10.2019.

6. As noted in the order dated 12.08.2024, the petitioner since the very filing of the present petition had not argued the present case and had been taking adjournments.

7. On being pointedly asked, it is informed that the chargesheet was filed way back in the year 2022. Much water has flown after bail was granted to Respondent No. 2. It is apparent that the victim was not interested in pursing any challenge to the order of the bail.

8. On being asked, the learned Additional Public Prosecutor for the State states that no complaint has been received in regard to misuse of the liberty granted to Respondent No. 2.

9. The learned counsel for the petitioner submits that several complaints were in fact made. In that regard the petitioner is at liberty to file an appropriate application before the learned Trial Court.

10. The trial has since proceeded, no purpose would be served by sending Respondent No. 2 in custody at this stage.

11. The present petition is, therefore, dismissed.

**AMIT MAHAJAN, J**

**AUGUST 14, 2024**
***"SK"***



***This is a digitally signed order.***
***The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.***
***The Order is downloaded from the DHC Server on 20/08/2024 at 12:51:35***