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

+ **BAIL APPLN. 4263/2023**

JYOTI CHAUHAN

..... Petitioner

Through: Mr. Ashutosh Kaushik, Advocate

versus

STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Ms. Richa Dhawan, APP for State
with SI Saris Khan, PS: Tigri.

Mr. Robin Raju and Mr. Alpha Dayal, Advocates
for Victim.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

21.02.2024

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1. This application has been preferred on behalf of the Applicant Jyoti Chauhan W/o Sh. Govinda Chauhan under Sections 439 and 482 Cr.P.C. seeking grant of interim bail in case FIR No. 228/2022 dated 28.05.2022 under Sections 354/370/376/120B/506 IPC and Sections 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 registered at PS: Tigri. The prime ground urged in the application for grant of interim bail is to secure the admission of her younger daughter in school.

2. On 18.12.2023, this Court had taken note of the directions issued by the learned Additional Sessions Judge, South, Saket, New Delhi to Secretary, DLSA (South), while rejecting the interim bail application, to take steps to get her daughter enrolled in a Government school in a nearby locality. Accordingly, this Court issued notice to Secretary, DLSA to file a status report regarding implementation of the aforementioned directions.



3. Report has been received from DLSA wherein it is stated that after efforts with various schools, the girl child aged 12 years has been admitted in 7th Class in Government Sarvodaya Vidyalaya, Dr. Ambedkar Nagar, Sector-5, Dakshin Puri Extension, Delhi, as per age-appropriate norms under the Right to Education Act, 2009. On the last date of hearing, a concern was expressed by the counsel for the Applicant on the question whether the admission of the child in class 7th was valid considering that she had previously only cleared class 3rd.

4. Status report has been filed on behalf of the State in which it is stated that a notice was sent under Section 91 Cr.P.C. dated 03.02.2024 to the office of Principal, Government Sarvodaya Vidyalaya, Dr. Ambedkar Nagar, Sector-5 of the aforesaid school to inquire as to why the child was not admitted to the 3rd or 4th standard considering that she had attended school only upto 3rd class in the previous school during session 2022-2023 and further how the child would be able to cope up in class 7th having missed out three classes in between. In response to the queries raised, a letter has been received from the school in which it is stated that the child has been admitted in class 7th as per Non Plan Admission Circular/Guidelines issued by Directorate of Education dated 26.07.2022 and 19.09.2016 regarding age criteria for non plan admission in Government Schools and therefore, the admission is valid. It is further stated that to bridge the academic gap, the child's name has been registered for a bridge course in S.T. Center (Informal Education) Hauz Rani, New Delhi and she has also been enrolled in Mission Buniyad Classes in consonance with Directorate of Education Guidelines.



5. At this stage, learned counsel for the Applicant submits that while he is grateful to the State for having taken this initiative, however, the child neither has the uniform nor the books to be able to attend the classes. In my view, this issue can be easily resolved as the Directorate of Education which is a repository of the education in Delhi, can be directed to provide the same to the Applicant's daughter. It is accordingly directed that Director of Education, Directorate of Education, GNCTD shall ensure that books as per the curriculum of 7th class and uniform as per the requirement of the aforementioned school are provided within a period of four weeks from today.

6. Insofar as the interim bail is concerned, status report reveals that the allegations against the Applicant are grave and serious as being an aunt of the prosecutrix, she consistently forced the prosecutrix to establish illicit physical relationships with various people on different dates and at different places. With respect to the incident on 28.05.2022, the crime scene was inspected at the instance of the prosecutrix and the mobile phones of the prosecutrix and the accused seized therefrom contained recordings of conversation between the Applicant and another person regarding arranging of customers and negotiation of money etc. The status report is replete with various incidences when the prosecutrix was taken to different hotels and forced to have physical relationships with numerous people. From the CDR and CAF analysis allegedly lot of evidence has been discovered regarding money transactions. In this view of the matter, Applicant is in judicial custody from 28.05.2022 and material witnesses are yet to be examined. Jail conduct of the Applicant is 'not satisfactory' as per the nominal roll.



7. In view of the above facts and circumstances, this Court is not inclined to grant interim bail to the Applicant.
8. Application is disposed of with the aforesaid directions.
9. Copy of the order be sent to Mr. Sanjay Lao, learned Standing Counsel (Criminal), GNCTD for information as well as to the Director, Directorate of Education for necessary compliance.

JYOTI SINGH, J

FEBRUARY 21, 2024/kks/shivam