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

+ **BAIL APPLN. 213/2025**

ANUP BHENGRA@CHOTU

.....Petitioner

Through: Mr. Durgesh Kumar Pandey, Mr.
Pankaj Gupta, Mr. Amit Gupta and
Ms. Ritika Davis Franklin, Advocates

versus

STATE (NCT OF DELHI) AND ANR

.....Respondent

Through: Mr. Rajkumar, APP for the State

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

04.03.2025

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1. By way of present application, the applicant seeks grant of regular bail in case arising out of FIR No. 396/2019 for offence punishable under Section 376/363 of the Indian Penal Code, 1860 (hereafter '*IPC*') and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (hereafter '*POCSO Act*') registered at Police Station Sarita Vihar, Delhi.
2. The FIR in this case was registered on the basis of a complaint alleging that the accused herein had brought the complainant to Delhi from her village in Jharkhand and subsequently, had forcefully established physical relations with her. The previous bail application of the applicant was dismissed by this Court *vide* a detailed order dated 28.02.2024.
3. The learned counsel appearing on behalf of the applicant herein states



that for the last one year, the complainant has not appeared before the learned Trial Court and thus, the trial is not proceeding further, whereas the applicant has been in judicial custody for more than five years.

4. A report was called from the learned Trial Court wherein the learned Trial Court has informed this Court that despite issuance of coercive process against the complainant, she has failed to appear before the Court.

5. This Court has heard arguments addressed by the learned counsel for the applicant and learned APP for the State and has perused material on record.

6. Considering the overall facts and circumstances of the case, period undergone by the applicant in the judicial custody and the fact that the other material witnesses in this case have already been examined and the only material witness i.e. the complainant has not appeared before the learned Trial Court, till date, at this stage, this Court is inclined to grant bail to the present applicant on furnishing a personal bond in the sum of Rs. 10,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court / Duty MM / Link MM, on the following conditions:

- i) The applicant shall remain available on mobile numbers; shared by him with the Police.
 - ii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
 - iii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.
7. Accordingly, the present bail application stands disposed of.



8. It is however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.
9. The order be uploaded on the website forthwith.

MARCH 4, 2025/ns

SWARANA KANTA SHARMA, J

[Click here to check corrigendum, if any](#)