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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 364/2025**

RITIK

.....Applicant

Through: Mr. Anuuj Aggarwall,
Adv.

versus

THE STATE GOVT. OF NCT OF
DELHI & ORS.

.....Respondents

Through: Ms. Richa Dhawan, APP
for the State
SI Pinki, PS- Sultanpuri
Ms. Neha Yadav, Adv. for
victim

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
14.08.2025

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1. The present application is filed seeking regular bail in FIR No. 739/2024 dated 20.08.2024, registered at Police Station Sultanpuri for offences under Section 64(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. The FIR was registered pursuant to a complaint made by the prosecutrix alleging that the applicant who is her neighbour, had committed sexual assault with her.
3. It is alleged that the prosecutrix had known the applicant from last four years and he had been coming to prosecutrix's uncle's house regularly.
4. It is alleged that she then started talking to him and became friendly with him, however, about five months before the alleged incident, they had a fight after which they stopped talking.
5. It is alleged that on 14.08.2024, in the afternoon at 01:30



PM, when she was standing outside, the applicant came from behind and slapped her. The applicant left and came back little later and took her inside his house. Thereafter, he locked the door and committed sexual assault.

6. It is alleged that since she was scared, initially she did not inform about the alleged incident to her parents, however, on being repeatedly asked, she informed her mother on 20.08.2024. pursuant to which the present FIR was registered.

7. The learned counsel for the applicant submits that there are material contradictions in the statement of the prosecutrix and the independent witness.

8. He submits that the prosecutrix initially stated that the applicant had held her hand and, thereafter, took her inside whereas in her statement under Section 164 of the Code of Criminal Procedure, 1973, she stated that she was dragged by the applicant into his house.

9. He submits that the alleged witness also did not allege that the prosecutrix was dragged. He submits that in such circumstances, even as per the case of the prosecution, it can be presumed that the prosecutrix had wilfully accompanied the applicant.

10. He submits that there has been considerable delay in registering the present FIR as the incident allegedly happened on 14.08.2024 whereas the FIR was registered on 20.08.2024.

11. The learned counsel for the prosecutrix as well as the learned Additional Public Prosecutor for the State oppose the grant of any relief to the present applicant.

12. They submit that the charges are yet to be framed and the prosecutrix has still not been examined. They submit that the applicant stays in the neighbourhood and there will always be an



apprehension of threatening the witness.

13. Undisputedly, the prosecutrix is a minor child of 16 years of age. She has made specific allegations against the applicant, that when she was standing outside her house, the applicant came and slapped her and took her inside.

14. Though there is minor contradiction to the extent that the prosecutrix had initially stated that the applicant took her by holding her hand and, later, she stated that she was dragged. The same, in the opinion of this Court, is not fatal at this stage.

15. It is relevant to note that the applicant taking the prosecutrix to his house, was also witnessed by an independent witness who stated that he had seen the applicant taking the prosecutrix to his house.

16. The applicant is stated to be 23 years of age and the prosecutrix is a minor. Even if it is to be presumed that they there in a consensual relationship, the same does not absolve the applicant of the offence.

17. The law categorically provides that the consent of a minor victim is of no consequence.

18. It is also not a case that the applicant and the prosecutrix are of same age, as she is seven years younger to the applicant.

19. As noted above, the charges are yet to be framed and the prosecutrix has still not been examined.

20. Considering that the applicant stays in the same locality, the chances of the prosecutrix and the witness being threatened cannot be lost sight of.

21. Considering the gravity of offence, I find no reason to allow the present bail application at this stage and the same is, therefore, dismissed.

22. This Court appreciates the learned counsel who has



appeared for the prosecutrix on the request of the Court. The Delhi High Court Legal Services Committee is directed to pay the fees of the learned counsel as per scheduled rates and rules.

23. It is clarified that any observations made in the present order is for the purpose of deciding the present bail application and should not influence the outcome of the Trial and also not be taken as an expression of opinion on the merits of the case.

AMIT MAHAJAN, J

AUGUST 14, 2025

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