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

+ **BAIL APPLN. 384/2025**

RAHUL SHARMA

.....Petitioner

Through: Mr. K.K. Sharma, Mr. Mohit Sharma,
Mr. Harshit Aggarwal and Mr. Tushar
Batra, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Priyanka, PS – New
Usmanpur.

Mr. Vikram Singh Panwar and
Ms. Manisha, Advocates for
complainant.

Ms. Ruchira Goel, Advocate,
DHCLSC.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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21.08.2025

1. Applicant is before this Court seeking anticipatory bail for alleged offences under Sections 328, 376D, 506 of the IPC and Section 6 of the POCSO Act *qua* which an FIR No.672/2024 dated 04.12.2024 has been registered at Police Station New Usmanpur.
2. The matter was earlier heard by this Court on 23.07.2025 and an order was passed which reads as under:

“1. Ms. Ruchira Goel, learned counsel for the prosecutrix submits that she needs to meet the prosecutrix in person before addressing the arguments. Although the prosecutrix has joined the proceedings via video conference, her counsel has not yet had the opportunity to meet her face-to-face.



2. In the meantime, it has come to light that the minor prosecutrix is fearful and feels threatened, apprehending that the applicant may misuse the interim protection granted by this Court during the pendency of the proceedings.

3. While there is nothing on record at present to substantiate this apprehension, however, in order to allay the concerns of the minor prosecutrix, the Investigating Officer (IO), who is present in Court, is directed to contact her after the proceedings and conduct an appropriate enquiry.

4. The IO shall also communicate this order to the Deputy Commissioner of Police (DCP) through the concerned Station House Officer (SHO), who shall take all necessary steps to assess the threat perception and, if required, take further appropriate action.

5. In the interim, the applicant is directed to stay away from the vicinity of the minor prosecutrix's residence at Fatehpur Beri. He shall not, directly or indirectly, make any attempt to contact or approach her in any manner.

6. Learned counsel for the applicant to also serve the copy of the paper book to the learned counsel for the complainant/prosecutrix.

7. Let a fresh status report be also filed.

8. List on 21.08.2025.

9. Interim order to continue till then.”

3. On the resumed hearing today, it transpires that the attempts of the I.O. to contact the prosecutrix have been futile. Despite repeated requests by the I.O. for her appearance to record her statement, she has consistently evaded the same. Furthermore, it appears that there is no threat perception of any kind at this stage, particularly since the chargesheet in the FIR in question already stands filed.

4. On a query to the learned APP as to whether any further investigation, custodial or otherwise, is to be carried out, he submits that in view of the chargesheet already having been filed, no such investigation is contemplated



at this stage and the matter shall proceed in accordance with law.

5. It further emerges that the matter has a chequered history, as both sides are involved in another collateral criminal proceeding arising out of a scuffle/violence between two groups, in the course of which one of the alleged perpetrators was murdered. Pursuant thereto, FIR No. 594/2024 dated 07.07.2024 was registered at Baghpat, in which investigation remains pending, and the prosecutrix herein, along with her family members, has been arrayed as an accused. In the overall circumstances, the possibility of a false case being foisted upon the applicant at this stage cannot be ruled out. Be that as it may, the same is a matter for trial.

6. Suffice, at this stage, that the interim protection granted by a Co-ordinate Bench of this Court *vide* order dated 29.01.2025 be made absolute. For ready reference, the said order is reproduced hereinbelow:

“xxx

3. *The present application under Section 482 of the BNSS (Section 438 of the Cr.P.C.) read with Section 528 of the BNSS (Section 482 of the Cr.P.C.) seeks anticipatory bail in case FIR No. 672/2024, under Sections 328/376D/506 of the IPC and Section 6 of the POCSO Act, registered at P.S. New Usmanpur.*

4. *Learned counsel appearing on behalf of the applicant submits that the present FIR has been registered by the complainant/survivour, who herself alongwith her family members is under investigation and is absconding in FIR No. 0594/2024, under Sections 140(1)/103(1)/3(5) of the BNS registered at P.S. Baghpat, which was registered with regard to the murder of the applicant's cousin. The aforesaid FIR was registered on 07.07.2024 and the present FIR came to be registered on 04.12.2024. It is further submitted that even as per the status report before the learned Trial Court, the survivour in the present FIR is not coming forward to get her statement recorded under 183 of the BNSS (Section 164 of the*



Cr.P.C.).

5. Learned APP for the State, on instructions from the Investigating Officer, confirms the fact that the survivor in the present case has been implicated in the aforesaid FIR registered with P.S. Baghpat and she herself alongwith her family members are absconding.

6. Issue notice.

7. Learned APP for the State accepts notice and seeks time to file a status report. Let the same be done before the next date of hearing.

8. Notice be issued to the survivor to be served through the SHO concerned in writing for the next date of hearing.

9. Re-notify on 29.04.2025.

10. In the meantime, on the applicant joining the investigation as and when directed by the Investigating Officer, no coercive steps be taken against him till the next date of hearing.

11. Order be uploaded on the website of this Court forthwith.”

7. Accordingly, the above order is made absolute and present application is disposed of and the I.O. shall cause formal arrest of the applicant and release him on bail, subject to compliance with the conditions contained under Section 482(1) of the BNSS.

8. In the parting, I may hasten to add that in case the prosecutrix feels threatened in any manner or apprehends any untoward consequence, she shall be at liberty to approach the I.O.

9. The application is disposed of accordingly.

ARUN MONGA, J

AUGUST 21, 2025/kd