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

+ **BAIL APPLN. 794/2025**

**SUMIT SHAKYA & ANR.**

.....Applicants

Through: Ms. Sakshi Sachdeva, Adv.

versus

**THE STATE GOVT. OF NCT OF DELHI**

.....Respondent

Through: Mr. Hitesh Vali, APP with SI ASmita,  
PS-Budh Vihar.

Ms. Sakshi Jayant, Adv. for R2.

**CORAM:**

**HON'BLE MR. JUSTICE RAVINDER DUDEJA**

**ORDER**

**23.04.2025**

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1. This is an application under Section 483 BNSS seeking regular bail in FIR No.350/2023 under Section 376AB/506 IPC and Section 6 POCSO Act, PS-Budh Vihar.

2. The learned counsel appearing for the petitioner submits that petitioner is an innocent person having no nexus with the commission of the alleged offence and has been falsely implicated at the instance of the complainant who is the mother of the victim. She further submits that petitioner is the first time offender having no past criminal antecedents and has been in judicial custody since 24.07.2022.

3. It is further submitted that there are inconsistencies and improvements in the statement of the witnesses and, therefore, such testimonies are not reliable. It is also submitted that so far only 9 witnesses out of 19 witnesses cited by the Police have been examined. She further submits that all the material public witnesses have already been examined. The remaining witnesses are only formal in nature and, therefore, there is no possibility of influencing or tampering with the evidence.



4. The bail application has been vehemently opposed by the learned APP and the learned counsel for complainant submitting that the allegations are grave and serious in nature. The DNA of accused has matched with the DNA profile generated from the victims undergarments.
5. It is also submitted that the victim has fully supported the prosecution case. It is also submitted that the victim deposed in her testimony that on previous occasion also, the petitioner had put fingers in her private part.
6. The FIR was registered at the instance of the mother of the victim who alleged that her minor daughter aged about 07 years has been raped by her neighbourer Sumit (Applicant).
7. During the medical examination victims hymen was found torn. After medical examination the biological exhibits of the victim were seized and sent to FSL.
8. Admittedly, as per the FSL result the DNA profile generated from the victims underwear matched with accused DNA.
9. The inconsistencies/contradictions as pointed out by the learned counsel for the petitioner may not be considered at the stage of grant of bail and would be considered at the time of final adjudication of the case.
10. The petitioner is accused of commission of a heinous offence of rape of a girl of tender age. The trial is proceeding at a satisfactory pace.
11. The allegations are grave and serious in nature. Keeping in view the nature and gravity of allegations and the severity of punishment, I am not inclined to grant bail to the petitioner. The application is therefore dismissed.

**RAVINDER DUDEJA, J**

**APRIL 23, 2025** *Sky/NA*