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

+ **BAIL APPLN. 1077/2025**

JOGENDER ALIAS JOHNY

.....Petitioner

Through: Mr. Sanjay Kumar, Ms. Vanita Singh,
Mr. Shivam Singh Rathore,
Ms. Akhya and Mr. Sanjay, Advs.

versus

STATE AND ANR

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER
29.05.2025

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1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 536/2023, registered at Police Station Nangloi, Delhi, for the commission of offence punishable under Sections 363/376D of the Indian Penal Code, 1860 (hereafter '*IPC*') and Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012 (hereafter '*POCSO Act*').
2. Briefly stated, the facts of the present case are that on 08.06.2023, the complainant had gone to the police station and stated that her daughter 'P', aged about 14 years, had left her house without informing anyone on 07.06.2023 between 7:30–8:00 PM and she had been missing since then. It is alleged that the victim had left her house at the request of her friend 'S'.



Both of them had gone to a park, but later, 'S' had left with her boyfriend Ajay. Subsequently, when the victim was alone in the park, 'S' had allegedly sent two boys i.e., Monty and Joginder @ Johny (present applicant) to the victim, who allegedly had administered an anaesthesia injection to her. The victim further alleged that while she was partially conscious, she had seen them making an obscene video of her. Thereafter, when she regained consciousness, she had found herself in a truck with her clothes torn. On the basis of the aforesaid allegations, the present FIR was registered.

3. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is submitted that the applicant is not named in the initial complaint and there is no specific role attributed to him. The learned counsel further submits that all the material witnesses have already been examined. It is also pointed out that the victim has been inconsistent in her statements and that the MLC does not reflect any marks of injection or fresh injury. It is further submitted that no video has been recovered during the course of investigation. The applicant has been in judicial custody since 20.06.2023 and has no criminal antecedents, and therefore, it is prayed that he be granted bail.

4. The learned APP for the State opposes the bail application and submits that the FSL report supports the case of the prosecution. It is further submitted that two public witnesses are yet to be examined and there is an apprehension that the applicant may abscond or tamper with the evidence if released on bail. Accordingly, it is prayed that the present application be dismissed.

5. This Court has heard arguments addressed on behalf of both the



parties and has perused the material available on record.

6. This Court notes that the MLC of the victim does not record any fresh injuries on her person, nor does it corroborate the allegation of the victim of having been administered any injection by the accused persons. This Court also notes that the doctor concerned has recorded that the victim was changing her statement on multiple occasions. Insofar as the allegation of preparing obscene video of the victim is concerned, the record reveals that no such video has been recovered by the investigating agency during the course of investigation.

7. The applicant herein is aged about 22 years, and he has been in custody for about 02 years. Considering that material witnesses in the present case have been examined before the learned Trial Court, and also that the applicant is not involved in any other criminal case, and the fact that trial will take some time to conclude, this Court is inclined to grant regular bail to the present accused/applicant on his furnishing personal bond in the sum of Rs. 10,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms & conditions:

- i) The applicant will not absent himself before the learned Trial Court;
- ii) The applicant shall not leave the country without prior permission of the concerned Court.
- iii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
- iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.



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

MAY 29, 2025/acm

DR. SWARANA KANTA SHARMA, J

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