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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1179/2025& CRL.M.(BAIL) 820/2025

VIKASH BIDHURI

.....Petitioner

Through: Mr. Rajeev Sirohi and Mr. Shailendra
Singh, Advocates.

versus

STATE (NCT) OF DELHI AND ORS.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Sonika, P.S. Okhla
Industrial Area.
Mr. Ajay Kumar Singh, Advocate for
complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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02.07.2025

1. This hearing has been done through hybrid mode.
2. The present application under Section 483 of the BNSS seeks regular bail in case FIR No. 761/2024, under Sections 115(2)/126(2)/3(5)/74/76/79/351(2) of the BNS and Section 8 of the POCSO Act, registered at P.S. Okhla Industrial Area.
3. An additional status report dated 27.06.2025 authored by Inspector Ranjan Kumar Singh, SHO, Okhla Industrial Areas, has been handed up in Court today and the same is taken on record.
4. The case of the prosecution as per status report dated 14.05.2025, authored by Insp. Ranjan Kumar Singh, SHO, P.S. Okhla Industrial Area, South East, New Delhi is as under:



“1. On 17.08.2024 a complaint was received at PS OIA through speed post was from complainant V W/o R R/o Okhla PHASE- 1, Delhi wherein the complainant had levelled the allegation of beating given to her and her family members by the alleged person namely Vikash Bidhuri and others. Further the complainant also filed the present complaint before the Hon’ble Court U/s 175 (3) BNSS.

2. On 09/10/2024, an order was received from the Ld. Court of Sh. Akshay Sharma, JMFC, Saket Court, New Delhi, passed in Case titled "Vandana Vs The State" Ct. Case no. 41218/2024, vide which the Ld. Court was pleased to direct SHO Okhla Industrial Area, Delhi to register FIR and conduct an investigation. In her complaint the complainant had alleged that the accused persons, Vikash Bidhuri and others, allegedly entered the complainant's residence/shop, after which they assaulted her and her daughter, and tore their clothes. The complainant further alleged that the incident was reportedly recorded on the victim's mobile phone by a neighbour.

3. That during inquiry the statement of the victim/complainant, was recorded and on the basis of the said statement case FIR No. 761/24 dated 10/10/2024 under Section 115(2)/126(2)/3(5) ENS was registered. The investigation was taken up by SI Prem Prakash.

4. During investigation on 16/10/2024, a pen drive containing footage of the alleged incident, in which accused Vikash was seen manhandling with the minor daughter of the complainant and burling abuses/threats, was seized by the police through a Seizure Memo.

5. During further investigation, the accused, Manoj Kumar @Karka, was bound down under Section 35(3) of the BNSS.

6. During further investigation on 20/12/2024, the statements of the victim/complainant Vandana and her daughter 'P' were recorded by SH Rahul Jain, JMFC, Saket Court, New Delhi, under Section 183 BNSS. Based on the statements of the victim and complainant



recorded by the Learned JMFC, offenses under Section 74/76 BNS & 8 POCSO Act were added to the case file,- and further investigation was handed over to PSI Sonika.

7. During further investigation on 31/12/2024, the accused, Vikash Bidhuri, son of Sh. Dharamvir Bidhuri, resident of A- 2454, Gate No. 4, Green Field Colony, NhPC Colony, Haryana- 121010, aged 45 years, was arrested. After medical examination, the accused was produced before the Hon'ble Court and sent to judicial custody and accused Vikash is in judicial custody since 01/01 /2025.

8. During further investigation on 02/01/2025, supplementary statements of victim "p" and her mother were recorded and on the basis of supplementary statements Sections 79 and 351(2) BNS were also added to the case file.

9. That during further investigation Co-accused Ajit Singh s/o Kishun Pal Singh R/o Bimoura, Lalganj, Raibarelli, Bemoura Mahesh Khera Rai Barelli, Uttar Pradesh Age 30 yrs u/s 115(2)/3(5) BNS , Umesh Singh s/o Kishun Pal Singh 9/12 Tata steel ,Okhla Industrial Phase I, South Delhi, Delhi, Age-36 years 79/115(2)/126(2)/3(5)/351(2) BNS, and Pankaj Yadav s/o Ramsamujh Yadav R/o Khajuri ward no. 1, Khajuri, Adri Indara, Mau, Indara, Uttar Pradesh 275102, Age 32 years under Sections 115(2)/126(2)/3(5) BNS were interrogated. They were all released on police bail as the offence committed by them is bailable in nature.

10. During further investigation, statement of an eyewitness who recorded the video of alleged incident were also recorded.

11. During the investigation, the birth certificate of the victim was verified, and her school records were obtained from her first attendant school. The verified documents confirmed that the victim's date of birth is 12/03/2007, making her 17 years and 5 months old at the time of the incident.

12. Furthermore, Upon completion of the investigation, a charge sheet was filed against the accused, 1) Vikash Bidhuri s/o



Dharamvir Bidhuri u/s 74/78/79 /115(2)/126(2)/3(5)/351(2) of BNS & 8 POCSO (2) Manoj Kumar @ Karka s/o Ram Jee Gupta u/s 115(2)/126(2)/3(5) of BNS (3) Ajit Singh s/o Kishun Pal Singh u/s 115(2)/3(5) BNS (4) Umesh Singh s/o Kishun Pal Singh u/s 79 /115(2)/126(2)/3(5)/35i(2) of BNS and (5) Pankaj Yadav s/o Ramsamujh Yadav u/s 115(2)/126(2)/3(5) BNS. All the accused are on bail/bound down u/s 35(3) BNSS, except one accused Vikash Bidhuri, who is in JC since 01.01.2025.

13. On 12/02/2025 bail application for the accused Vikash Bidhuri was dismissed the Session's Court, South East District, Saket Courts, New Delhi.

14. Further, the present applicant/accused has filed an application for regular bail before the Hon'ble High Court. It is respectfully submitted that the accused has been previously involved in multiple criminal cases, as mentioned below:

(a) FIR No. 44/2022, dated 01.12.2013, under Sections 323/325/342/354A/354B/356/379/34 IPC, registered at Police Station Okhla Industrial Area

(b) FIR No. 641/2013, dated 01.12.2013, under Section 325 IPC, registered at Police Station Okhla Industrial Area

(c) FIR No. 404/2016, dated 01.07.2016, under Sections 323/354/354A/506 IPC, registered at Police Station Sarai Khwaja Faridabad ,Haryana.”

5. Learned counsel for the applicant submits that the present FIR was registered at the instance of the complainant on account of the fact that the applicant and the other members of the community had been complaining against the illegal activities of the complainant with respect to selling of illicit liquor and other contraband substances. It is submitted that the applicant had been confronting the complainant with respect to these activities and



therefore, a false complaint was registered against him. It is submitted that initially the FIR on the basis of the order passed by learned Metropolitan Magistrate under Section 175(3) of the BNSS were registered under Section 115(2)/126(2)/3(5) of the BNS, however subsequently on the statements made by the complainant and her daughter 'P' under Section 183 of the BNSS on 20.12.2024, provisions of Sections 74/76 of the BNS and Section 8 of the POCSO Act were added and the applicant was arrested. It is pointed out that on the basis of the initial complaint, the other co-accused persons are still on police bail.

6. It is further pointed out that the on basis of the complaint made by the applicant, the concerned Police Station, i.e., Okhla Industrial Area has in fact registered a case FIR No. 929/2024 under Section 33 of Delhi Excise Act on 11.12.2024 against the complainant for the recovery of 72 quarter bottles of illicit liquor. It is further submitted that the applicant has been in custody since 01.01.2025 and was released on interim bail by this Court and without misusing the liberty granted to him, he duly surrendered. It is further submitted that the chargesheet in the present case stands filed and the applicant is not required to be kept in judicial custody.

7. *Per contra*, learned APP for the State assisted by the learned counsel for the complainant submits that the allegations against the present applicant are serious in nature and the provisions of Sections 74/76 of the BNS and Section 8 of the POCSO Act were added on the statements made by the complainant and her daughter 'P' as well as on the basis of a pendrive which recorded the incident.

8. Learned APP for the State has pointed out from the status report that the present applicant was previously involved in other offences as well.



9. Learned counsel for the complainant submits that the applicant have been threatening the latter to withdraw her case and enter into a settlement with him.

10. Heard learned counsel for the parties and perused the records.

11. The present FIR was registered on the basis of an order passed by the learned Metropolitan Magistrate under Section 175(3) of the BNSS on 10.10.2024 under the provisions of Sections 115(2)/126(2)/3(5) of the BNS. As per the status report dated 14.05.2025, the provisions of Sections 74/76 of the BNS and Section 8 of the POCSO Act were added on the basis of the statements made by the complainant and her daughter 'P' under Section 183 of the BNSS on 20.12.2024 and Sections 79/351(2) of the BNS were added on the basis of their supplementary statements recorded on 02.01.2025. It is pertinent to note that as per the updated status report dated 27.06.2025, an FIR against the complainant was registered on the basis of the complaint made by the applicant on 11.12.2024.

12. The perusal of the FIR would reflect that the same was initially registered under Sections 115(2)/126(2)/3(5) of the BNS and thereafter on the subsequent statement made by the complainant, provisions of Sections 74/76 of the BNS and Section 8 of the POCSO were added. Initially the applicant had been released on police bail. The veracity of the allegations and counter allegations made by the complainant and applicant respectively, is a matter of trial which shall be determined by the learned Trial Court at appropriate stage.

13. The investigation in the present FIR is complete and chargesheet stands filed and the matter is at the stage of consideration on point of charge. The applicant has been in custody since 01.01.2025 and had been released on interim bail and without misusing the liberty granted to him, he duly



surrendered.

14. In totality of the facts and circumstances of the case, the applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 50,000/- with two sureties of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions: -

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
- ii. The applicant shall report to the concerned Police Station every Friday at 02:00 PM and the concerned officer is directed to release him by 02:30 PM after recording his presence and completion of all the necessary formalities.
- iii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iv. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- v. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- vi. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.

15. The application is allowed and disposed of accordingly.

16. Pending applications, if any, also stand disposed of.

17. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case and any observations made herein are only for the purpose of the present bail application.

18. Copy of the order be sent to the concerned Jail Superintendent for



necessary information and compliance.

19. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

JULY 02, 2025/bsr

Click here to check corrigendum, if any