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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1327/2025**
JITENDER KUMAR JHAApplicant

Through: Mr. R. P. S. Bhatti,
Advocate.

versus

THE STATE (GOVT OF
NCT OF DELHI)Respondent

Through: Ms. Kiran Bairwa, APP
for the State with W/SI
Khushbu, PS Laxmi
Nagar.
Victim along with her
mother in person.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **21.05.2025**

1. The present bail application is filed by the applicant seeking regular bail in FIR No. 251/2024 dated 02.09.2024, registered at Police Station Laxmi Nagar for the offences under Sections 354/354A of the Indian Penal Code, 1860 ('IPC') and Section 8 of the Protection of Children from Sexual Offence Act, 2012 ('POCSO').
2. It was alleged that the applicant along with other accused persons, stared and teased a minor victim, by making obscene gestures, touching her private parts, using abusive language and threatening to kidnap and rape her and throw acid on her face.
3. The learned counsel for the applicant submits that the hand of the applicant touched the private part of the victim accidentally. He submits that the applicant has deep roots in society and has clean antecedents.
4. The applicant has been charged for the offences under



Sections 354/354A of the IPC and Section 8 of the POCSO Act for which the maximum punishment is upto 05 years. The applicant was arrested on 03.10.2024 and has already undergone 07 months in incarceration and therefore has spent substantial period in custody without the trial being proceeded.

5. At this stage, the investigation is complete and the chargesheet has been filed. The applicant cannot be made to spend the entire period of trial in custody specially when the trial is likely to take considerable time.

6. The object of jail is to secure the appearance of the accused during the trial. The same can also be taken care of by putting appropriate conditions, as the deprivation of liberty has been considered as a punishment in a catena of judgements.

7. It is not alleged that the applicant has been contacting the victim. The consequences of pre-trial detention are grave, and the burden of such incarceration also causes a severe effect. The apprehension of the applicant fleeing from justice or tampering with evidence, can be taken care of by putting appropriate conditions. The purpose of custodial interrogation is to aid the investigation and is not punitive.

8. Without commenting further on the merits of the case as the same is a matter of trial. However, keeping the facts and circumstances in mind and the fact that the trial is likely to take some time, I am satisfied that the applicant has made out a case for grant of regular bail.

9. In view of the above, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following



conditions:

- a. The applicant shall cooperate in any further investigation as and when directed by the concerned IO;
 - b. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
 - c. The applicant shall not contact the victim or her family members in any manner whatsoever;
 - d. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
 - e. The applicant shall appear before the learned Trial Court as and when directed;
 - f. The applicant shall provide the address where he would be residing after his release which shall not be within 5 km radius of the place of residence of victim and he shall also not change his address without informing the concerned IO/ SHO;
 - g. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
10. In the event of there being any FIR/DD entry/ complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
11. The victim is at liberty to give an appropriate complaint to the Investigating Officer if the applicant or his family members try to contact her.
12. It is clarified that any observations made in the present order are only 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.

13. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

MAY 21, 2025/DU