



2025:DHC:10766



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

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Date of Decision: December 02, 2025+ **BAIL APPLN. 1436/2025 & CRL.M.A. 11250/2025**

FAISAL @SALMAN @RAHULApplicant
Through: Mr. Prashant Singhal and
Mr. Md. Zeeshan, Advs.

versus

THE STATE (GOVT OF NCT OF DELHI)
AND ANRRespondents
Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Sagar Navdeep M., PS
Gokul Puri.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. By the present bail application, the applicant seeks regular bail in FIR No. 187/2024 dated 29.03.2024, registered at Police Station Gokul Puri, for the offence punishable under Section 363 of the Indian Penal Code, 1860 ('IPC').
2. The FIR was registered at the behest of the mother of the victim, on 29.03.2024 alleging that her minor daughter, aged 15 years old, has gone missing. On 09.04.2024, the victim returned to her home. The medical examination of the victim girl was conducted in GTB hospital on 16.04.2024 *vide* MLC no. G-51/24.



2025:DHC:10766



3. On 18.04.2024, the statement of the victim under section 164 of the Code of Criminal Procedure, 1973 ('CrPC') was recorded wherein she stated that the applicant forcefully established physical relations without her consent.
4. The applicant was arrested on 01.05.2024 and after conclusion of the investigations, on 08.01.2025, the Chargesheet in the present case was filed under Sections 363/366/376(2)(n)/419 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
5. The bail application preferred by the applicant herein was dismissed by the learned Additional Session Judge *vide* Order dated 23.09.2024.
6. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is further submitted that the victim has failed to identify the applicant in the TIP proceeding.
7. He further submits that the medical/FSL report does not support the case of prosecution, and the victim denied her internal medical examination.
8. He further states that as per the statement of the victim under Section 164 of the Cr.P.C., she has stated that she had gone with the applicant of her own free will.
9. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant. He submits that the allegations against the applicant are grave in nature.
10. He further submits that according to the documents filed in



2025:DHC:10766



the school of the victim, her Date of Birth is reflected as 02.12.2009 and thus, the victim at the time of incident was a minor i.e. aged 14 years and 3 months.

11. He submits that the prosecutrix, in her complaint and her statement under Section 164 of the Cr.P.C. specifically alleged that she was sexually assaulted by the applicant.

12. He further submits that the victim had also stated that the accused had captured some of her objectionable videos and photographs, without her consent. When the mobile phones of the applicant were recovered, certain photographs of the victim in a compromising position with the applicant were found in both the phones and the same have been sent for FSL. The victim has also confirmed that these were her photos.

13. He further submits that the registers of the alleged hotels, where the victim was assaulted, reflect entries made by the victim and the applicant. The same have also been sent for FSL, and the report is awaited.

14. He also submits that the victim is yet to be examined. He consequently prays that considering the gravity and nature of the offence and in view of the specific allegations against the applicant, the present application be dismissed.

15. Submissions heard and the material placed on record perused.

16. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as: (i) the nature or gravity of the offense; (ii) the character of the evidence and circumstances unique to the accused; (iii) the



2025:DHC:10766



likelihood of the accused evading justice; (iv) the potential impact of the release on prosecution witnesses and its societal repercussions; and (v) the probability of the accused engaging in tampering.

17. It has been held in a catena of judgments that while considering an application of the accused seeking bail, the Court would not be justified in going into evidence on record at such depth so as to ascertain probability of conviction of the accused as the same is a matter of trial.

18. The grant of bail should not be arbitrary or whimsical. Being conscious of the fact that individual liberty holds immense significance, it is incumbent upon the Courts to examine and evaluate, albeit briefly, factors such as the *prima facie* case, the nature and severity of the crime and the accused's likelihood to tamper with evidence, among other considerations as noted above.

19. In the present case, serious allegations have been made against the applicant that he stated his name as Rahul to the victim and on 28.03.2024, kidnapped the 14 year old victim, took her with him to a hotel in Dadri, Ghaziabad, and forcefully established physical relations with her. Subsequently, on 30.03.2024 he took her to another hotel in Dadri and sexually assaulted her there also. Thereafter, the accused took her to his sister's house in Ghaziabad and there the victim got to know the real name of the accused is Faisal@ Salman and he is Muslim. Though the victim tried contacting her friend from her phone, the accused allegedly broke the Sim in the mobile phone and kept



2025:DHC:10766



the phone of the victim at his sister's house.

20. Status report indicates that the applicant had captured certain obscene and objectionable videos/ photographs of the victim, in a compromising position, in both his mobile phones, without the consent of the victim. When his mobile phone was recovered from his possession, the alleged photographs/videos of the victim were found, which is also confirmed by the victim and the same were sent for FSL examination.

21. Investigation further revealed that the alleged hotels, where the offence took place as pointed out by the victim during the course of investigation found the respective entries made by the accused and the victim.

22. It is also pointed out that during the PC remand of the accused, the accused got recovered the phone of the victim from the applicant's sister's house in Ghaziabad.

23. In the present case, evidently, the allegations against the applicant *prima facie* are serious in nature. From a perusal of the chargesheet and the statement of the prosecutrix under Section 164 of the CrPC, it is apparent that the prosecutrix has categorically alleged that the applicant had sexually assaulted her on multiple occasions.

24. Though it has been conversely argued that the prosecutrix in her statement under section 164 Cr.PC. has stated that she had willingly gone with the applicant; she had refused internal medical examination; and the applicant was not identified by the victim during the TIP, the same is a subject matter of trial and would be considered at the stage of final arguments. The same, in



the opinion of this Court, cannot be made a ground to enlarge the applicant on bail at this stage specially when victim was only 14 years of age at the time of incident.

25. Further, on being pointedly asked, it is informed that the prosecutrix is yet to be examined. It also stands recorded in the impugned order that the victim as well as her father had opposed the grant of bail to the applicant. Hence the possibility of influencing/threatening the victim and other witnesses cannot be ruled out at this stage, especially when the victim was only 14 years of age at the time of the incident.

26. It is pertinent to mention that while deciding the question of bail, the Court must carefully balance the individual's right to liberty with the interests of justice. While the presumption of innocence and the right to liberty are fundamental principles of law, they must be considered in conjunction with the gravity of the offence and its impact on society.

27. Accordingly, taking into account the submissions made by the learned counsel for the parties, and material available on record, this Court is of considered opinion that *prima facie*, there are serious allegations against the applicant which at this stage cannot be said to be without any material.

28. Therefore, considering the gravity of the offence and the facts as discussed above, this court is not inclined to grant bail to the applicant at this juncture.

29. The learned Trial Court is requested to expedite the trial and conclude the examination of witnesses to ensure that justice is served in a timely manner.



2025:DHC:10766



30. It is made clear that the observations made in the present case are only for the purpose of considering the 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.

31. In view of the above, the present bail application is dismissed. Pending application also stands disposed of.

AMIT MAHAJAN, J

DECEMBER 2, 2025

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