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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1623/2025

PRADEEP

.....Applicant

Through: Mr. Shivendra Singh, Mr.
S.N. Shukla & Ms.
Prakriti Rastogi, Advs.

versus

STATE OF DELHI

.....Respondent

Through: Mr. Pradeep Gahlot, APP
for the State.
SI Rahul Mehta, PS
Prasad Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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29.04.2025

CRL.M.A. 12874/2025 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present application is filed seeking regular bail in FIR No. 31/2019 dated 20.01.2019 registered at Police Station Prasad Nagar for the offence under Section 308 of the Indian Penal Code, 1860 ('IPC').
4. The brief facts of the case are that on 17.01.2019, a PCR call was received regarding a girl having fallen from the roof. It was subsequently found that a missing report had also been registered by the victim's parents on 17.01.2019 alleging that the victim had left her home for job training and had not returned. The victim later succumbed to her injuries on 20.01.2019.
5. During the course of the investigation, the co-accused CCL 'S' was arrested who disclosed about his involvement in the

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crime, and also revealed that he had interviewed the victim who had been working with him for over 10 days. He further disclosed that the victim had refused his sexual advances, and that upon her refusal, he had made a plan with other accused persons including the applicant to bring the victim to the house of co-accused Janak Singh. It is alleged that the co-accused CCL 'S' took the victim to the house of co-accused Janak on the pretext of providing her with another part time opportunity with better pay. It is alleged that at the house of co-accused Janak, co-accused Ravi, CCL-S and the applicant committed gang rape on the victim.

6. The only ground raised by the applicant to file the present application is the change in circumstance in view of the bail granted to the co-accused by this Court by order dated 17.03.2025.

7. It is pertinent to note that the bail application filed by the applicant on an earlier occasion was dismissed by a Coordinate Bench of this Court by order dated 25.02.2025. On that occasion, this Court had noted that the semen detected on the jeans of the deceased matched with the DNA profile of the applicant. It was consequently noted that the same *prima facie* showed the involvement of the applicant in committing the aforesaid offence. It was further noted that 37 out of 45 witnesses had already been examined and that the trial is likely to conclude expeditiously. Considering the aforesaid, and the nature and gravity of the offence, the bail application filed by the applicant was dismissed.

8. In the opinion of this Court, the applicant cannot claim any parity with the co-accused Janak to seek bail. It is pertinent to mention that the co-accused Janak was admitted on bail by this Court noting that no allegation had been made against him for



being actively involved in the commission of the rape. It was also noted that there existed no direct evidence to show that the co-accused Janak was aware of the conspiracy of the other accused persons to commit the rape of the victim.

9. In the case of the applicant however, the applicant is alleged to have been involved in the commission of rape. Further, as noted by the Coordinate Bench of this Court, the FSL report showed that the semen detected on the jeans of the deceased matched with the DNA profile of the applicant. The same *prima facie* shows the involvement of the applicant in the present offence. The ground of parity, thus, in the opinion of this Court, is not available to the applicant.

10. The present application is, therefore, dismissed.

AMIT MAHAJAN, J

APRIL 29, 2025

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