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

+ **BAIL APPLN. 1784/2025**

OMVIR ALIAS ROMEYO

.....Petitioner

Through: Mr. Bhuwan Jayant, Mr. Ashish Kumar Upadhyay, Ms. Prachi Goel, Ms. Ritu Tanwar and Ms. Neha Drall, Advs.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Naresh Kumar Chahar, APP for the State along with Ms. Puja Mann and Mr. Chandrakant, Advs.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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15.07.2025

1. By way of the present application, the applicant is seeking grant of regular bail in case out of FIR bearing no. 761/2022, registered at Police Station Vijay Vihar, Delhi, for the commission of offence punishable under Section 376D of the Indian Penal Code, 1860 (hereafter '*IPC*') and Section 6 of the Prevention of Children from Sexual Offences Act, 2012 (hereafter '*POCSO Act*').
2. Briefly stated, the facts of the present case are that the victim/complainant 'D' had alleged that on 16.11.2022, at around 7:10 AM, one person Ashok had met her in the street outside her house and had forced her to accompany him – under the threat of showing the video of her mother,



doing sexual acts with one Gopal, to her father and other neighbors. The victim had gone with him, who had taken her to his site and had raped her at around 8:00 AM. Thereafter, accused Ashok had taken her to the residence of a boy namely Vikas at around 9:00 AM, where two more boys were already present. It is further alleged that one of them was being addressed as Romeyo (the present applicant) and the name of another boy was not known to her. They all had committed rape upon her by holding her hands and legs and by putting hands on her mouth. It is alleged that when accused Ashok had come out with the victim, the landlord of accused Vikas had stopped them. Resultantly, accused Ashok and Romeyo had fled away, while Vikas and another boy (whose name she does not know) were still in the room. It is further alleged that accused Ashok had also raped her on 05.11.2022 and 10.11.2022. Consequently, the present FIR came to be registered against all the four accused persons. The victim was medically examined at Dr. BSA Hospital and thereafter, the accused persons were arrested.

3. The learned counsel appearing for the applicant states that the CCTV footage of the place of incident shows that the applicant was present at the spot only for about nine minutes. The learned counsel contends that there are procedural irregularities in sending blood samples to the Forensic Sciences Laboratory (FSL). He also states that the applicant has been falsely implicated in the present case and the trial will take some time to conclude and therefore, the applicant be granted bail.

4. The learned APP for the State, on the other hand, submits that the CCTV footage, which has been collected during investigation, reveals that the applicant had entered the premises in question at 02:09 PM and had



remained there up to 02:20 PM. Therefore, his presence at the place of occurrence is *prima facie* established. He prays that the present bail application be dismissed, considering the seriousness of the offence.

5. This Court has **heard** arguments addressed on behalf of both the parties and has perused the material available on record.

6. In the case at hand, this Court is of the opinion that the victim has supported the case of the prosecution, when she was examined in the Court as well as in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973 (hereafter '*Cr.PC.*'). Further, this Court takes note of the fact that the FSL report also supports the prosecution case since as per the FSL report, the DNA of the applicant herein was found on the clothes worn by the victim. It is material to note that the clothes of the victim were seized by the investigating agency on the same day. The victim in this case was raped by four persons and one of them is absconding.

7. The prosecution as of now has examined 09 witnesses out of total 19 witnesses, including the victim, who have supported the prosecution's case and the trial is to conclude in some time. The Hon'ble Supreme Court in ***X v. State of Rajasthan: SLP(Crl.) 13378/2024*** has observed that ordinarily, in offence like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining the witnesses, the Courts should be loath in entertaining bail applications of the accused.

8. Considering the fact that all the witnesses, who have been examined as yet, including the victim, have supported the case of the prosecution and the biological evidence is against the applicant, no ground for bail is made out at this stage.



9. Accordingly, the bail application is dismissed.
10. However, the learned Trial Court is directed to ensure expeditious recording of evidence.
11. Nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
12. A copy of this order be forwarded to the learned Trial Court for necessary information.
13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 15, 2025/A