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

+ **BAIL APPLN. 1838/2025**

RISHABH DAWAR

.....Petitioner

Through: Mr. Rajiv Taneja & Mr. Rijul Taneja,
Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
State with Ms. Puja Mann, Advocate
along with SI Ekta and ASI Sarita
Lochav.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

08.07.2025

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1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 0334/2022, for the commission of offences punishable under Sections 376(1)/506(1)/174A of Indian Penal Code, 1860 (hereafter 'IPC') and Section 4 of Protection of Children from Sexual Offences Act, 2012 (hereafter 'POCSO Act').
2. Issue notice. Mr. Naresh Kumar Chahar, learned APP accepts notice on behalf of the State.
3. Briefly stated, it is the case of the prosecution that on 29.07.2022, a complaint was registered by one Smt. 'SR' in which she had alleged that the present applicant/accused had raped her daughter/victim i.e. Ms. 'KR' at her residence on 19.07.2022. Thereafter, the present FIR had been registered.



During investigation, statement under Section 161 of Cr.P.C. of the victim was recorded in which she had alleged that she was 17 years of age at the time of incident and was studying in 'X' School. It was further stated by the victim that both of her parents were working i.e. her father was posted in Lucknow, Uttar Pradesh and her mother was posted in Noida, Uttar Pradesh. It was also stated by the victim that she lived with her elder brother and that her mother used to leave for office at 6.30 AM in the morning and used to come back by 5-6 PM. It was also alleged that victim's friend 'Y', who lived next to her house had a boyfriend i.e. the present applicant Rishabh Dwar, who the victim also knew for a couple of months. It was alleged by the victim that the present applicant had called her on 19.07.2022 at about 12.30 AM and had told her that he wants to surprise her best friend 'Y' and thus had requested the victim to meet him outside her home. Thereafter, the present applicant had reached victim's house at around 7:00 AM on 19.07.2022 when she was alone at her house as her mother had left for work and her elder sibling had gone to her hometown for a couple of days. It was further alleged by the victim that the applicant had forcibly developed physical relationship with her against her consent. She also informed the police that she had kept on resisting, however, the applicant had got aggressive. Thereafter, when the victim's friend 'Y' had arrived, both the applicant and her friend 'Y' had left her house. It was further stated by the victim that since she was scared, she did not tell her parents about the incident on that very day. However, the victim had informed her parents about the incident on 23.07.2023. Thereafter, the victim was medically examined wherein she had given history of forced sexual assaults against her consent. During investigation, her statement under Section 164 of Cr.P.C.



was also recorded.

4. The learned counsel appearing for the present accused/applicant argues that the applicant has been falsely implicated in the present case and further states that the victim and the mother of the victim have turned hostile and have in totality not supported the case of the prosecution. It is also stated that the victim child has mentioned in her testimony that she had lodged a false complaint against the accused/applicant. It is further stated that the PW-2, the mother of the victim child, has stated in her statement that she does not want to pursue the present case since her daughter i.e., the child victim has already stated the truth in her testimony recorded on 25.03.2025 which was correct. The complainant/mother of the victim had also stated during her cross-examination that the allegations were made by her daughter as she was disturbed due to her pre-board examinations. Thus, it is prayed that the applicant be granted regular bail.

5. The learned APP for the State, on the other hand, also stated that on the basis of the record, the submissions made by the learned counsel for the applicant cannot be disputed.

6. This Court has heard arguments addressed by the learned counsel for both the parties and has perused the material on record.

7. In the present case, this Court is of the opinion that the victim child as well as the mother of the victim child have turned totally hostile and have not supported the prosecution case before the learned Trial Court. They have stated that the present complaint was false and had been lodged due to some misunderstanding and since the victim child was disturbed due to her pre-board examinations, she had levelled false allegations against the present accused/applicant herein.



8. Considering the overall facts and circumstances of the case, and for the reasons recorded hereinabove, this Court is inclined to grant regular bail to the applicant on his furnishing personal bond in the sum of Rs.10,000/- with surety of the like amount to the satisfaction of the Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

(i) The applicant shall surrender his passport and not leave the country without prior permission of the concerned Court.

(ii) The applicant shall not directly or indirectly make an attempt to influence the witnesses, or tamper with the evidence in any manner.

(iii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.

9. Accordingly, the present application stands disposed of.

10. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

11. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 08, 2025/vc

[Click here to check corrigendum, if any](#)