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

% ***Date of decision: 31st July, 2025***

+ **BAIL APPLN. 2144/2025**

RAVI KUMAR

S/o Jaleshwar Mahto

.....Petitioner

Through: Mr. Anubhav Tyagi, Mr. Hemant Kumar, Mr. Puneet Singh and Mr. Vishal Verma, Advocates.

versus

1. **STATE(NCT OF DELHI)**

Through SHO

PS Govindpuri, Delhi

.....Respondent No.1

2. **XYZ**

....Respondent No.2

Through: Mr. Utkarsh, APP for the State with SI Suruchi, PS. Fatehpur Beri and SI Rajni, P.S. Govindpuri

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. First Regular Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*)/Section 439 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C.'*) has been filed on behalf of the Applicant Ravi Kumar for grant of Regular Bail in FIR No. 121/2019 dated 16.04.2019 under Section 376/363/370/370(A)/506/34 Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) and Section 75/79 of the Juvenile



Justice Act and Section 6 of Protection of Children from Sexual Offences Act, 2012 (*hereinafter referred to as the 'POCSO Act'*), registered at Police Station Govind Puri.

2. *Learned Prosecutor for the State* submits that the Prosecutrix is based in Assam and she has been contacted but she is unable to connect through VC.

3. The **Applicant** has submitted that he is a respectable man who was 25 years old man at the time of his arrest, and has been unfortunately roped in this false case. He has no previous criminal record and is in custody since 19.04.2016 i.e. for more than six years. The trial has already commenced and the Respondent No. 2/PW-2, the Prosecutrix, has already been examined. His future would be ruined if he is kept behind the bars for a case, which is a completely concocted story. It is further contended that there are serious inconsistencies in the Statement of the Prosecutrix relating to the month and dates on which the alleged sexual assault took place.

4. The Applicant had filed three earlier Bail Applications before the learned Trial Court, which have all been dismissed.

5. The Bail is sought on the ground that there is a *significant delay* of about one year in registering the FIR on 14.04.2019 while the incident is claimed to have taken place in April, 2018. The Complainant claims that she opened up because of the alleged abuse, on 14.04.2019. However, the last contact of the Applicant with a victim was almost one year back. The Urine Pregnancy Test (UPT) was conducted, which yielded a negative result. The Prosecutrix 'P' declined to undergo the internal medical examination.

6. There was no element of coercion or undue influence exerted upon



the Prosecutrix. She voluntarily accompanied the Applicant and Ms. Julia to Delhi for employment without informing her family members. The identity and details of the three women, who allegedly assisted Prosecutrix and 'S' in reaching the Police Station and in filing the Complaint, have not been disclosed or mentioned in the Charge-Sheet.

7. Admittedly, she does not know her age despite which no Bone Ossification Test has been conducted. No Bone Ossification Test or any other medically recognized procedure was conducted to determine the actual age of the Prosecutrix. The family members of the Prosecutrix, have stated on record that she is 19 years of age and not 17 years thereby challenging the applicability of POCSO Act and J.J Act.

8. Allegedly, she is stated to be 15 years of age. She was, therefore, completely capable of filing a Complaint against the alleged acts of the Applicant. It is evident that the Complainant has filed the Complaint out of her own vindictive will against the Applicant and not on behalf of the Prosecutrix.

9. The allegations leveled against him are baseless and without any evidence. It was essentially a dispute arising out of master-servant relationship, which has been given a criminal offence. The Applicant undertakes to abide by any conditions that may be imposed upon him. A prayer is made that he be granted Regular Bail.

10. The **Status Report** has been filed on behalf of the State wherein it is stated that the Applicant was arrested on 19.04.2019. His Medical Potency Test was conducted *vide* MLC on 20.04.2019. He had declined to participate in the TIP proceedings. The co-accused, Ms. Julia is absconding and NBW



have been issued against her.

11. Notice under Section 41A Cr.PC was served upon the co-accused, Shuva Dev Nath, who had kept a victim girl for work at their home on 12.06.2019. They have joined the investigations. Separate Interrogation Report has been prepared and placed in the Case File.

12. The verification of the age of **victim 'S'** was obtained on 13.06.2019, according to which her date of birth is 20.11.1999.

13. On 14.06.2019, the age for **victim 'P'** was verified and her date of birth was found to be 27.01.2005.

14. The Charge-Sheet has been filed against the Applicant and co-accused, Shuva Dev Nath and Narmi Dev Nath, which is pending trial. The accused Shuva Dev Nath and Narmi Dev Nath, after framing of Charge absconded and have been declared Proclaimed Offender *vide* Order dated 25.10.2023.

15. The Bail Application filed by the Applicant, has been dismissed by learned ASJ on 09.04.2025. Out of 20 witnesses, 14 Prosecution witnesses have already been recorded.

16. The Bail is opposed on the ground that the offences with which the Applicant has been charged, are serious in nature. There is apprehension of threatening or influencing the witnesses and also that the Applicant may jump the Bail.

17. The Bail Application is, therefore, opposed.

Submissions heard and the record perused.

18. The case of the Prosecution is that the Applicant, Ravi and the Prosecutrix initially became acquainted. She met the Applicant and his wife,



Ms. Julia at the residence of one Manju, located in Assam. During their interaction, Ms. Julia enquired if 'P' was interested in obtaining an appointment in Delhi, to which she consented. The Prosecutrix 'P' remained with her family for two days and thereafter, travelled to Delhi along with the Applicant and his wife, Ms. Julia, without informing the family members. Upon arrival in Delhi, she was taken to the residence of Applicant and Ms. Julia, located in Govind Puri where another individual, namely, Sunil (brother-in-law of one Mr. Shiva) and his wife, were also residing. After two days, Mr. Shiva arranged for the employment of 'P' as a domestic worker at the residence of third party. However, she found the work unsuitable and returned to the residence of Applicant and Ms. Julia, after a week. She commenced her work as a domestic helper in the same household.

19. On one occasion, when no other individual was present at her residence except the Applicant, he forcibly committed sexual intercourse with her, without her consent. He also threatened her not to disclose the incident to any person.

20. After a period of 7-8 days, Ms. Julia arrived with another girl Prosecutrix 'S' from Assam, who also got an engagement as a domestic worker in a third party's residence. However, after 4-5 days, she also returned to the residence of Applicant.

21. Subsequently, both 'P' and 'S' requested the Applicant to facilitate their return to Assam, but he denied their request. Thereafter, both the girls decided to leave the Applicant's residence in the early hours of the morning. While on their way, they encountered three women who accompanied them to the Police Station where they made the Complaint against the Applicant



and his wife.

22. The allegations clearly reflect the gravity of the offence whereby the two Prosecutrix had been brought to Delhi by the Applicant and his wife on the pretext of getting an employment. Thereafter, Prosecutrix 'P' has been sexually exploited by the Applicant.

23. As has been submitted 14 out of 20 Prosecution witnesses have been examined. Insofar as, a dispute about the age of Prosecutrix, has been raised by the learned counsel on behalf of the Applicant, that is a matter of trial.

24. Considering the totality of circumstances, no case is made out for grant of Regular Bail and the Bail Application is dismissed and disposed of accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

JULY 31, 2025/RS