



\$~10

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

+ **BAIL APPLN. 2171/2025**

SH. NAND KISHORE@ GOPAL

.....Petitioner

Through: Mr. Rakesh Sherawat, Mr. Gaurav
Kumar & Mr. Vidit Sherawat,
Advocates.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Manoj Pant, APP for State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

25.07.2025

%

1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 384/2024, registered at Police Station Tigri, for the commission of offences punishable under Sections 65(1)/340(2)/336(3)/351(2) of Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS') and Section 6 of Protection of Children from Sexual Offences Act, 2012 (hereafter 'POCSO Act').
2. Issue notice. Mr. Manoj Pant, learned APP accepts notice on behalf of the State.
3. Brief facts of the present case are that the FIR was registered on the complaint of the victim, aged about 15 years, wherein she alleged that the accused, known to her for the past 3–4 years as he was her neighbour, took her to a hotel on 03/04.08.2024 on his motorcycle. It is further alleged that,



in order to gain entry into the hotel, the accused altered her date of birth from 2009 to 2005. The victim alleged that the accused forcibly established physical relations with her and threatened her, due to which she did not disclose the incident to her family. She further alleged that the accused subsequently called her to the same hotel multiple times, threatening her with inappropriate photographs. Later, when her family discovered that she was not attending school, they inquired, and she narrated the entire incident.

4. The learned counsel for the accused/applicant submits that the applicant has been falsely implicated in the present case and has been in judicial custody since 11.01.2025. It is submitted that the victim (PW-1), her mother (PW-2), and her father (PW-3) have all turned hostile during their examination before the learned Trial Court and have not supported the prosecution version. It is further submitted that the remaining prosecution witnesses are formal in nature, comprising police officials and medical personnel, and that all material witnesses have already been examined. It is contended that even if the remaining evidence is accepted as it stands, the prosecution cannot establish the offence alleged under the POCSO Act in view of the victim and her parents having turned hostile. Accordingly, prayer is made for the grant of regular bail to the applicant.

5. Learned APP for the State fairly submits that the victim and her parents have turned hostile and have not supported the case of the prosecution.

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, it is evident that the victim (PW-1), in her testimony before the learned Trial Court, has categorically denied the



occurrence of any sexual assault by the applicant. In her cross-examination as well, she has reiterated that no such act was committed by him. Similarly, both her parents, examined as PW-2 and PW-3, have deposed that the victim was never subjected to any such incident involving the applicant. It is thus apparent that all three material witnesses, including the prosecutrix, have not supported the prosecution case.

8. The material witnesses stand examined before the learned Trial Court, and only official witnesses are to be examined. The applicant has been in judicial custody since 11.01.2025. 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) The applicant shall share his mobile number with the concerned IO/SHO, and shall keep the same switch on/active at all times.
- iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.
- v) The applicant shall appear regularly before the learned Trial 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 25, 2025/vc