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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 2328/2025 & CRL.M.A. 18576/2025

BOBBY

.....Applicant

Through: Mr. Rajneesh Bhaskar,
Advocate from DHCLSC
with Ms. Amrita Dhawan
and Ms. Binuja Biju,
Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Poonam Tomar, PS Geeta
Colony along with
complainant in person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

14.11.2025

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1. The present bail application is filed by the applicant for grant of regular bail in FIR No. 168/2013, dated 29.04.2013, registered at police station Geeta Colony for the offences under Sections 354A of the Indian Penal Code, 1860 ('IPC') and Section 12 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO').

2. Briefly stated, the present FIR was registered at the instance of the father of the victim. It is alleged that the victim had gone to attend a function where the applicant was working in the catering. It is alleged that the applicant unzipped his pants in front of the victim, showed her his private part and asked her to show him her private part. It is alleged that the victim was aged 6



years at the time of the incident.

3. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He further submits that the applicant has already spent 1 year and 10 months in custody and the trial is not likely to conclude in the near future. He further submits that the victim has failed to identify the applicant during her examination.

4. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant. He submits that the applicant was admitted on bail on an earlier occasion, whereafter, he absconded and was declared Proclaimed Offender. He submits that the applicant was only re-arrested on 09.05.2024.

5. I have heard the counsel and perused the record.

6. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc. However, at the same time, period of incarceration is also a relevant factor that is to be considered.

7. It is the case of the prosecution that the applicant sexually harassed the victim, who was six years old at that time, by showing his private part to her and asking her to do the same.

8. While the probative value of the evidence will be tested during the course of the trial, *prima facie*, at this stage,



significant doubt is cast on the case of the prosecution as the victim has failed to identify the applicant.

9. It is settled law that in the event of there being even some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to bail [Ref : **Ram Govind Upadhyay v. Sudarshan Singh : (2002) 3 SCC 598**].

10. It is also pertinent to note that the applicant is charged for the offences under Section 354A of the IPC and Section 12 of the POCSO Act for which the maximum punishment is up to 3 years. The applicant has already undergone more than 01 years and 10 months in custody.

11. In such circumstances, even though the applicant had absconded during the course of trial, this Court is inclined to admit him on bail.

12. However, appropriate conditions ought to be imposed against the applicant to allay any apprehension of him evading trial or influencing the witnesses.

13. In view of the above, the present bail application is allowed and the applicant is directed be released on bail on furnishing a personal bond of ₹25,000/- with two sureties of like amount to the satisfaction of the learned Trial Court and on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;



- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall not reside within 5 kms radius of the locality where the prosecutrix resides;
- e. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- f. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- g. The applicant shall mark his presence before the concerned IO once every two weeks.

14. In the event of there being any FIR/DD entry/complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

15. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

16. The bail application is allowed in the aforementioned terms. Pending application also stands disposed of.

AMIT MAHAJAN, J

NOVEMBER 14, 2025

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