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

+ **BAIL APPLN. 2369/2025**

SATYA PRAKASH

.....Petitioner

Through: Ms.Dolly Sharma, Advocate

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Anjali Sharma PS Ambedkar
Nagar

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

18.09.2025

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1. The applicant herein is before this Court seeking regular bail, having remained under incarceration since 24.06.2024 in a criminal case arising out of FIR No. 330/2024 dated 23.06.2024 for the offences punishable under Section 377 of the IPC and section 6 POCSO Act, registered at Police Station Ambedkar Nagar, Delhi.

2. Briefly speaking, *per* FIR, on 23.06.2024, complainant i.e. mother stated that her 9-year-old son (victim) told her that Satyaprakash (Applicant herein) allegedly attempted to prick him with a needle in his private area. The child stated that similar incidents had occurred before, but he had not disclosed them due to fear.

2.1 Subsequently, the mother called her brother-in-law and the police. The family confronted the applicant, and the applicant was hit by the mother



and the women present there with slippers. When the police came, the applicant was taken to the hospital for medical examination, and the mother took the child to the police station, and the statement was recorded. The mother filed a written complaint requesting legal action.

2.2 Based on the statement and circumstances, an offence under Section 377 IPC and Section 6 of the POCSO Act was identified. A Hindi article was prepared, and the case was registered.

3. In view of the aforesaid, I have heard the rival contentions and perused the case file.

4. Learned counsel for the applicant would argue on lines of grounds pleaded in the petition *inter alia* urging as below:-

4.1 That the Applicant has clean antecedents and has been falsely implicated in the present case. He has already undergone more than one year of custody, which is causing undue hardship. The Ld. Trial Court, vide order dated 11-12-2024, dismissed his regular bail application, but there is no incriminating evidence connecting him to the alleged offence. The investigation is complete, and the Charge Sheet has been filed, making further custodial detention unnecessary.

4.2 That the Medical evidence from PW-5/Doctor confirms that the child victim (PW-1) had no external injuries and no signs of sexual assault were observed. Judicial precedent supports bail in similar circumstances where the accused has clean antecedents and medical reports do not indicate harm. Further, the alleged offence was not committed, as PW-1 admitted he ran away, and PW-2 confirmed that the Applicant did not touch the child. CCTV footage also shows that PW-1 voluntarily visited the Applicant's house, creating doubts about the credibility of the child's statements.



4.3 That the on the day of the alleged incident, the family members of PW-1 assaulted the Applicant and his elderly mother over a parking dispute, causing injuries. This suggests that the present case may have been filed to shield themselves from legal consequences. PW-1 also did not disclose the alleged incident to his relatives and had frequent voluntary interactions with the Applicant, further indicating absence of threat or coercion. There are no prior complaints or similar allegations against the Applicant in the neighborhood or against PW-1.

4.4 That witnesses PW-2 and PW-3 are arrayed merely on hearsay, and material contradictions and improvements in statements by prosecution witnesses indicate false implication. Police also failed to join any independent public witnesses during the arrest or disclosure, further questioning the case's veracity. The Applicant had earlier been granted interim bail and has not misused his liberty. All evidence is already on record, leaving no scope for tampering or influencing witnesses. Considering these circumstances, the Applicant is entitled to regular bail.

5. The learned APP for the State has opposed the bail application on the ground that the offence committed by the accused is heinous in nature, involving sexual assault and exploitation of a minor. During investigation, obscene videos and photographs of child pornography were recovered from his mobile phone. There is a real apprehension that the accused may tamper with witnesses or threaten the complainant, and he may also abscond if released. Considering the seriousness of the offence and the need to protect the victim and maintain the integrity of the investigation, the accused should not be granted bail at this stage.

6. I have heard the submissions of both sides and perused the case file.



While certain arguments addressed by the learned counsel for the applicant regarding his non-culpability may have some merit, those issues can only be adjudicated during the trial. However, at this stage, I am of the considered view that the applicant deserves to be released on bail during the pendency of the proceedings, for the following reasons.

7. First and foremost, the complainant, mother of the victim, is present in Court and candidly states that, considering the period of incarceration already undergone by the petitioner, she has no objection to his release on bail. She acknowledges that the parties are well acquainted as immediate neighbours residing in the same locality. However, she requests that the petitioner be directed to furnish an undertaking that he will not influence, intimidate, or otherwise attempt to contact the victim during the pendency of the trial.

8. Moreover, having perused the case file, it transpires that with no prior criminal record, the applicant has already spent over a year in custody, despite the investigation being complete and the charge sheet filed. Prima facie, medical evidence confirms no injuries or signs of sexual assault on the child, while witness statements and CCTV footage indicate voluntary interaction and no offence. The Applicant previously complied with interim bail conditions, and with all evidence already on record, further detention seems unnecessary.

9. The applicant has already remained in custody since 24.06.2024 , for the past 1 year, 2 months and 16 days, and the trial is moving at a snail's pace. This prolonged pre-trial detention, coupled with the slow progress of proceedings, are contributory factors for bail.

10. As regards the apprehension of tampering with evidence, there is



nothing on record to suggest so, rendering Such apprehension is therefore illusory. The primary purpose of bail is to secure the presence of the accused during trial, and there is nothing on record to suggest that the applicant would abscond, interfere with evidence, or influence witnesses. He has deep roots in society, no criminal antecedents, and thus is not a flight risk.

11. As an upshot and taking wholesome view of the matter, the applicant is directed to be released on bail on furnishing of bail bond and surety to the satisfaction of the learned Trial Judge/Duty Judge as the case may be and subject to the usual conditions to be imposed by the learned trial Judge/Duty Judge. Apart from other usual conditions, learned Trial Court shall take specific undertaking to the effect that applicant shall not attempt to contact the victim during the pendency of the trial, directly or indirectly.

12. Nothing observed herein above shall amount to an expression on merits of the case and shall not have a bearing on the trial of the case as the same is only for the purpose of the disposing of the present bail application.

13. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

SEPTEMBER 18, 2025/SV