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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2431/2025 & CRL.M.A. 19206/2025

MUKESH DAS THROUGH

PAIROKAR SHITAL DAS

.....Petitioner

Through: Ms. Shalu, Mr. Mohd. Ali
& Mr. Nadeem Khan,
Advs.

versus

THE STATE OF NCT OF
DELHI & ANR.

.....Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State
SI Pooja, PS- Preet Vihar

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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25.09.2025

1. The status report has been handed over in Court today.
2. The same is taken on record.
3. The present application is filed seeking regular bail in FIR No. 383/2022 dated 26.10.2022 registered at Police Station Preet Vihar for offences under Sections 376/328 of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
4. Briefly stated, on 25.10.2022, an information was received from Safdarjung Hospital in relation to sexual assault having been committed on a victim aged about 16 years. The victim alleged that the applicant committed penetrative sexual assault on her when she was working as a babysitter in a bungalow in Preet Vihar. The applicant is stated to have been engaged in the work of cooking food on the ground floor of the bungalow. Both the



applicant and the victim used to reside in the bungalow.

5. It is alleged that 4-5 days before her birthday on 02.08.2022, when the victim went to the terrace at around 11-12 pm to meet her friend that the victim had befriended during her stay at the bungalow, the applicant also came to the terrace and told her that they should consume cold drinks. Subsequently, the applicant surreptitiously mixed alcohol in the cold drink and offered it to the victim and her friend. The victim, on drinking the same, became unconscious, whereafter the applicant took her to his room and sexually assaulted her. Thereafter, the applicant let the victim out of his room. In the morning, the victim disclosed about the said incident to her friend. The victim, as a consequence of the incident, also got pregnant.

6. The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. She submits that the victim, while deposing, did not support the case of the prosecution. She submits that since the victim has turned hostile, no purpose would be served by subjecting the applicant to further incarceration who has been in custody since 27.10.2022.

7. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant. He submits that serious allegations are made against the applicant. He submits that the victim, in her statement under Section 164 of the Code of Criminal Procedure, 1973 as well as during the course of her further examination, had supported the case of the prosecution. He submits that the victim, as a consequence of the incident, also got pregnant and the FSL report reveals that the applicant is the biological father of the



aborted foetus. He submits that the victim was around 15 years and 11 months old at the time when the incident took place.

8. It is pertinent to note that the victim initially on 22.03.2024 had categorically deposed before the learned Trial Court in support of her allegation.

9. On 27.07.2024, when the victim was called for further examination, she deposed that the applicant had mixed alcohol in her drink and she consumed it being unaware that alcohol was mixed in it. Pursuant thereto, she alleged that the applicant sexually assaulted her and that she also informed about the said incident to her friend.

10. The victim, at that stage, is alleged to have been a minor aged around 15 years and 11 months. In her examination conducted on 27.07.2024, the victim further stated that after three months, she realised that she had become pregnant due to the said incident of sexual assault. The victim, at that stage, had tested positive for pregnancy pursuant to which she was taken to the hospital. The victim was a minor and the doctor, pursuant to finding about the pregnancy of the victim, had informed the Police whereafter the statement of the victim was recorded who, on that occasion, stated that the applicant had impregnated her.

11. The cross-examination of the victim was thereafter deferred and when she was re-called for cross-examination on 17.03.2025, the victim stated that she named the applicant at the instance of the Police and that she had not given any complaint at the initial stages.

12. It is pointed out that the age of the victim was examined and she was found to be 15 years and 11 months old at the time of the incident.



13. The status report also indicates that the victim delivered a five months dead baby and all samples were collected and sent for examination for expert opinion. The FSL result showed that the applicant was the biological father of the aborted foetus.

14. Serious allegations have been made against the applicant which, at this stage, are not only supported by the original complaint and testimony but also by scientific evidence.

15. Even though the victim, at the subsequent stage, had turned hostile, however, the possibility of her being influenced cannot be ruled out at this stage since she had categorically deposed before the Court about the incident and that she was impregnated by the sexual assault committed by the applicant. Thus, no benefit can accrue in favour of the applicant on account of subsequent statement given by the victim.

16. The present application is accordingly dismissed.

17. It is clarified that any observations made in the present order are only 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.

AMIT MAHAJAN, J

SEPTEMBER 25, 2025

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