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

+ **BAIL APPLN. 2555/2025 & CRL.M.A. 25123/2025**

**MAYUR JAYANTI BHAI GOHEL**

.....Petitioner

Through: Mr. Sandeep Singh Hora, Advocate

versus

**THE STATE OF NCT OF DELHI AND ANR.**

.....Respondents

Through: Mr. Ritesh Kumar Bahri, APP for the  
State

Mr. Shubham Shukla, *Amicus Curiae*  
for victim/complainant.

**CORAM:**

**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA**

**ORDER**

**27.10.2025**

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1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 312/2023, registered on 25.07.2023 at Police Station Farsh Bazar, Delhi, for the commission of offence punishable under Sections 354(A)/34 of the Indian Penal Code, 1860 (hereafter '*IPC*') and Sections 10/12/17 of the Protection of Children from Sexual Offences Act, 2012 (hereafter '*POCSO Act*').
2. Brief facts of the case are that a complaint was lodged by one Mr. 'NV', father of the victim child, alleging sexual assault upon his minor daughter by the accused and his wife's friend. The complainant stated that he was married to Ms. 'LV' in the year 2008, and one girl child, 'M', was born from the said wedlock. It is alleged that the child had been residing



with the complainant since 25.02.2023. The complainant further stated that on 02.05.2022, he had accidentally seen WhatsApp chats between his wife and one Mayur Jayantibhai Gohel (applicant herein), from which he came to know that his wife was having an extra-marital affair. Following this, he shifted his residence, and his wife allegedly began filing false and baseless complaints against him. It is further alleged that, as per the terms of divorce, the custody of the child was to remain with his wife, and he had agreed to relinquish his share in favour of the child. However, in February 2023, his wife requested that the complainant take custody of the child for a few days, to which he agreed. Accordingly, on 25.02.2023, the complainant took the child into his custody. During her stay with him, the child allegedly disclosed that a person who had visited her mother had touched her inappropriately and attempted to insert his finger into her private parts. The child also informed him that her mother used to change her clothes in the presence of her friend, the present applicant, which made her uncomfortable and violated her privacy. It is further alleged that when the child informed her mother about the said incident, she ignored the complaint and told the child that she was lying. On learning this, the complainant refused to hand back the child's custody to his wife and lodged the present FIR on 25.07.2023. The applicant was arrested on 01.06.2025 upon his arrival in Mumbai, as he had been residing abroad prior to that date.

3. The learned counsel appearing for the applicant contends that the applicant has been falsely implicated in the present case. It is argued that there is an unexplained and considerable delay in lodging the FIR, which casts serious doubt on the veracity of the allegations. It is further submitted that there exists a strong possibility that the minor child may have been



tutored or influenced in view of the matrimonial disputes between her parents. The learned counsel submits that there is no credible material on record to directly connect the applicant with the alleged offence, and therefore, he deserves to be enlarged on bail.

4. *Per contra*, the learned APP for the State, duly assisted by the learned Amicus Curiae appearing for the victim, opposes the application, submitting that the allegations are serious in nature. It is contended that the victim child was merely five years of age at the time of the alleged incident, which adds to the gravity of the offence. It is therefore urged that the present application be dismissed.

5. This Court has **heard** learned counsel appearing on behalf of the applicant, as well as the learned APP for the State and the learned Amicus Curiae representing the victim, and has carefully perused the material available on record.

6. After hearing arguments advanced on behalf of the parties and upon a careful perusal of the case record, this Court is of the opinion that the victim, at the time of the alleged incident, was a child of only five years of age and was residing in the home of her mother – a place where she would have expected to feel safe and protected. The material on record reveals that the present applicant was known to the mother of the victim and used to visit her residence. The allegations against the applicant are that he had touched, tickled, and attempted to insert his finger into the private parts as well as in the undergarments of the minor child. The nature of the allegations made by such a young child, as also recorded in her statement under Section 164 of Cr.P.C., *prima facie* indicate that the version given by the victim is unlikely to have been a concocted one, as a child of such a tender age is often not



capable of imagining or constructing incidents of this nature on her own.

7. The allegations against the applicant are also that he would remain present and watch while the mother of the child changed the clothes of the minor in his presence, thus intruding upon the child's privacy and causing her discomfort and distress. The psychological and emotional impact of such an incident on a child of such tender age cannot be overlooked, as it is likely to leave a deep and lasting effect on her mental and emotional well-being. Sadly, the victim child has also alleged that, despite informing her mother of the incident, her mother did not believe her. The same would naturally have compounded the trauma experienced by the victim child.

8. The evidence of the victim child is yet to be recorded before the learned Trial Court. In view of the seriousness of the allegations, the tender age of the victim, and the fact that her evidence is yet to be recorded, this Court finds no ground to grant regular bail to the applicant at this stage.

9. Accordingly, the present bail application stands dismissed, alongwith pending application

10. This Court also appreciates the assistance rendered by Mr. Shubham Shukla, Advocate, who was appointed as *Amicus Curiae* by this Court to represent the victim/complainant.

11. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

12. The order be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**

**OCTOBER 27, 2025/A**