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

+ **BAIL APPLN. 2698/2025**

ANUP KUMAR

.....Petitioner

Through: **Mr. Sidharth Yadav and Mr. Naveen,**
Advocates

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: **Mr. Shoaib Haider, APP for the State**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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25.08.2025

1. First Bail Application under Section 483 read with Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed for grant of Regular Bail in FIR No. 0052/2025 registered under Sections 127(2)/75 BNS and Section 10 POCSO Act at P.S. Dwarka, Sector-23 against the Order dated 05.07.2025 passed by learned ASJ (FTSC)(POCSO) in Bail Application No. 02/2025.

2. It is submitted in the Bail Application that the Applicant is working as a driver in CISF and was posted at IGI Airport. He is aged about 40 years. He has been arrested by the Police on 11.02.2025 and since then he is in judicial custody. The investigations have already been completed and the Chargesheet filed in the Court which is pending trial. It is claimed that the story of the Complainant is false and based on fabricated facts which has been concocted and manipulated by the Complainant. The Applicant has been falsely implicated in this case. The Bail Application filed before



learned ASJ has been dismissed on 05.07.2025.

3. It is submitted that allegedly on 10.02.2025, the victim has come back home from school. After changing her clothes and doing lunch, she went to nearby street to play with a puppy, who is living there. It is alleged that while she was playing in the parking area, the Applicant opened his door and called the puppy inside and also asked her to come inside. Thereafter, she went inside and the door was closed when he removed his pants and undergarments and asked her to sit on bed to check and put her hand on the vital parts of the victim. Thereafter, she went back to her home for the Tuition classes. The victim on coming back home, narrated the incident to her father, mother and brother on whose information, the FIR was registered.

4. The Bail is sought on the **grounds** that he is an innocent person who has been falsely implicated in this case. The Chargesheet already stands filed and his custody is no longer required. He is in judicial custody since 11.02. 2025. During her examination on 06.05.2025, the Victim has failed to identify the Applicant and has totally failed to support the case of the Prosecution. Father of the Victim also has stated that he has no objection if the applicant is granted the bail. Only the father and mother of the Prosecutrix, are left to be examined.

5. Reliance is placed on State of Kerala vs. Raneef MANU/SC/0001/2011 wherein it has been observed that that delay in concluding the trial is a relevant consideration while granting Bail. Further similar observations have been made in Dataram Singh vs. State of Uttar Pradesh MANU/SC/0085/2018. In State of Rajasthan vs. Balchand MANU/SC/0152/1977 wherein it has been observed that the test for



granting Bail is whether the circumstances are suggestive of fleeing from justice quoting the source of justice or creating trouble in the shape of repeating offences or intimidating the witnesses and the like. The gravity and the heinous nature of the crime is to be considered but if there is nothing to suggest that the liberty would be abused, the Applicant is entitled to Bail.

6. He is the sole bread earner of the family and is permanently residing in a Panipat, Haryana. There is no likelihood of his tampering with the evidence. He has aged old aged parents, wife and two minor children, who are dependent upon him. There is reasonable grounds to say that he has been wrongly implicated in this case.

7. Therefore, it is prayed that he be granted Bail.

8. **Status Report** has been filed on behalf of the State, which be taken on record. It is submitted that the statement of the child was also recorded under Section 183 BNSS and has supported the allegations made in the FIR. The CCTV footage of parking area has been obtained from the owner of the property through Notice under Section 94 BNSS. In the CCTV footage, child and the puppy is seen going inside the house of the Applicant. The Rent Agreement and ID of the Applicant has also been obtained from the landlord. The Chargesheet already stands filed.

9. The testimony of the Victim has been recorded where she has failed to support the case of the Prosecution. The testimony of the parents has to be recorded on 18.08.2025. The learned Prosecutor also submitted that the statement of the brother has been recorded, but he also has failed to support the case of the Prosecution.

10. **Submissions heard.**

11. The Accused is in judicial custody since 11.02.2025. He was working



in CIST as driver. The Prosecutrix and the brother, who were the material witnesses, have failed to support the case of the Prosecution.

12. Considering the totality of circumstances, the antecedents of the Applicant, that the Chargesheet has been filed and no custodial interrogation is merited, and that material witnesses have already been recorded, the Applicant is admitted to bail, on the following terms and conditions:

- a) The Petitioner/Applicant shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The Petitioner/Applicant shall appear before the Court as and when the matter is taken up for hearing;
- c) The Petitioner/Applicant shall provide his mobile number/changed mobile number to the IO concerned, which shall be kept in working condition at all times;
- d) The Petitioner/Applicant shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case the Petitioner/Applicant changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

13. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court for information and compliance.

14. The Bail Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 25, 2025

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