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

+ **BAIL APPLN. 2937/2024**

VEENAM KUMAR @ OMI

.....Petitioner

Through: Mr. B.P. Sharma, Mr. Pawan Kumar
and Ms. Samsun Nihar, Adv.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP for State with
with SI Rekha Chauha, PS-Prasad
Nagar.
Mr. Viren Bansal, Adv. for
complainant.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

07.04.2025

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1. This is an application under Section 485 of BNSS read with Section 528 BNSS, 2023 in case FIR No. 85/2024, PS Pandav Nagar, under Section 323/376/377/354-B/354(D)/406/323 IPC read with Section 6 & 8 of Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the petitioner submits that petitioner himself is a victim, having been implicated at the instance of father and sister of the complainant. It is submitted that complainant is a mentally challenged girl with low IQ and therefore it is easy for the complainant's sister and father to falsely implicate the petitioner on account of previous enmity. It is stated



that the father of the petitioner was in debt and was therefore humiliated on account of non-payment of the dues, so much so, petitioner even slapped him, due to which, he was having a personal grudge against the petitioner. With the help of his daughter, who is having low IQ, who could not appreciate the ill-designs of her father, the father of the victim falsely implicated him in the present case. It is submitted that petitioner is in judicial custody since 14.02.2024. Charge sheet has already been filed in the case. It is further submitted that there is a delay in reporting the matter to the police. There is also delay of information being shared by the child to her parents and that such conduct is unexplainable and unnatural.

3. Learned counsel further submits that medical evidence of the prosecutrix is suggestive of the fact that prosecutrix was never subjected to any sexual assault.

4. It is further submitted that the father of the prosecutrix also tried to drag the wife of the petitioner. It is submitted that it is highly improbable that any woman would tolerate her husband molesting a child and would not reprimand him.

5. It has been further argued that the FSL result has since been received and as per the said report, no obscene picture and video could be retrieved from the mobile data. It is stated that trial may take long time to conclude and no useful purpose shall be served by keeping the petitioner in custody.

6. Learned Additional PP, supported by the learned counsel for the complainant, has vehemently opposed the application, submitting that prosecutrix has since been examined as a witness and she has supported the averments made in the FIR. It is further submitted that the sister of the prosecutrix still remains to be examined. Learned counsel for the



complainant states that the son of petitioner is extending threats to the family of the prosecutrix. It is further submitted that petitioner lives in the nearby vicinity and there is a real threat from him and his family members and therefore he may not be released at this stage.

7. As per allegations, the victim used to visit the shop of the petitioner. He used to stare and stalk her. He would take her to his home by holding her hand tightly. On one such occasions, at about 8.00 – 9.00 pm, petitioner took her to his tent house forcibly by holding her hand and raped her. She was threatened not to tell about the incident to anyone. In her statement under Section 164 Cr. PC, victim stated that applicant took photographs of her private parts and threatened her that if she would tell anyone, such photographs would be made viral on social media.

8. During investigation, the age of the victim has been verified from her school. As per the age documents provided by the school, the date of birth of the victim is 14.08.2009. Thus, at the time of incident, the age of the victim was hardly about 13 years.

9. The allegations are grave and serious in nature. The punishment provided is also grave and serious. The applicant is stated to be residing in the same area where the victim and her family are residing. The sister of the victim is a material witness. She is yet not examined. Victim was at a tender age at the time of the alleged incident. It is the contention of the petitioner himself that the victim is having low IQ, and therefore under these circumstances, the delay in the registration of the FIR may not be fatal.

10. Having considered the totality of facts and circumstances and considering the gravity of allegations and severity of the punishment provided, I am not inclined to grant bail to the petitioner at this stage.



11. The application is therefore dismissed.

RAVINDER DUDEJA, J.

APRIL 7, 2025

RM