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

+ **BAIL APPLN. 2895/2025**

ROHIT

.....Petitioner

Through: Mr.Manoj K.Sharma, Advocate

versus

THE STATE GOVT OF NCT DELHI

.....Respondent

Through: Mr.Sanjeev Sabharwal, APP for the
State

Mr.Yogesh Kumar, Advocate for
complainant alongwith complainant

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

18.09.2025

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1. The applicant is before this Court seeking anticipatory bail owing to his apprehension of arrest arising out of FIR No. 521/2024 for alleged offences under Sections 74 (Assault or use of criminal force to woman with intent to outrage her modesty), 75(Sexual harassment), 351(2)(Criminal intimidation punishment), 3(5) (common intention) of the Bharatiya Nyaya Sanhita (BNS), 2023, registered at Police Station Govindpuri, New Delhi.

2. Per FIR, the complainant, Maharani Devi, alleged that in 2014 she and her husband were introduced to accused Sajan @ Sajjad Ali and Noor Mohammad @ Mota Lala, who fraudulently took Rs. 1,75,000/- from them on the pretext of selling/constructing a floor in their house. However, neither delivered the property nor returned the money.

2.1 Despite repeated requests, the accused kept delaying. Later on, along



with his son, Sajjad assaulted and molested the complainant, and also snatched her 1.5 tola gold chain. They also broke her phone, abused, and threatened to kill her and her husband.

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

4. Learned counsel for the applicant contends that the FIR has been maliciously registered at the behest of the complainant in connivance with the Investigating Officer only to settle personal scores arising out of a purely civil dispute of money transaction with the applicant's father. The applicant has no role, knowledge, or connection with the alleged transaction, yet he has been dragged into the matter solely to exert pressure on his father.

5. Learned counsel for the applicant would submit that the most significant to point out that the alleged transaction relates to the year 2014, when the applicant was only 11 years old and a minor. At such a tender age, it is legally and practically impossible for him to have participated in any financial dealing or contractual obligation. This fact alone demolishes the very foundation of the allegations against him.

6. Learned counsel would further submit that the applicant's father, who has been arrayed as a co-accused in the present FIR, has already been granted interim protection by this Court *vide* order dated 18.07.2025, with a direction to join investigation. The father duly complied with the said order and joined the investigation on 21.07.2025. Despite full cooperation by the father, no incriminating material has been brought on record, which clearly indicates the falsity of the allegations.

7. Learned counsel for the applicant would submit that the dispute is civil in nature, relating to alleged money transactions between the



complainant and the applicant's father. However, in order to harass the applicant's family, the complainant has given a criminal colour to what is essentially a civil dispute.

8. Opposing the submissions advanced on behalf of the applicant, the learned APP for the State submitted that the anticipatory bail petition deserves rejection. The complainant's statement under Section 183 BNSS and electronic evidence in the form of a pendrive records the petitioner reveal his father abusing and threatening her. Though they joined the investigation on 10.01.2025, but they did not cooperate. No ground is thus, made out for grant of anticipatory bail.

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

10. Aadhar Card of the applicant is appended as Annexure-F in support of the claim that at the time of registration of the FIR, he was a minor. Thus, no FIR could have been registered qua him per se by the complainant.

11. In the aforesaid backdrop that the matter was earlier heard by me on 04.08.2025, the following order was passed:-

"1. Claiming himself to be falsely implicated, as he was all of 14 years old minor when the alleged incident of borrowing the money by his father from the complaint took place on 21.05.2014, the applicant herein is before this Court seeking anticipatory bail in FIR in question. His father's bail application (Bail Appl. No.2632/2025), in which interim protection has been granted, is also listed before this court on 18.09.2025.

2. Notice. Learned APP accepts notice and seeks time to file a report.

3. Needful be done. In the meanwhile, till next date no coercive steps be taken against the applicant herein.

4. To be heard with Bail Appl. No.2632/2025 on 18.09.2025."



12. Apropos, a status report dated 15.09.2025 has been filed, which reads as under:-

“1. The petitioner has filed anticipatory bail application in case FIR no. 521/2024, U/s 74/75/351(2)/3(5) BNS, PS Govindpuri, Delhi.

2. Facts of the case is mentioned as in 2014, alleged took Rs, 75,000/- on dated 21.05.2014 into SBI account of Ms. Saleena (i.e. applicant/alleged) on the pretext of illness of his wife Saleena. Further on 23.11.2021 & 26.11.2021, petitioner's father took Rs. 1,00,00/- from the complainant. When complainant demand for her money petitioner's father denied to give the same and started to talk over phone. Finally, when complainant in the month of July 2024, approached petitioner's home. She asked to return her money then petitioner's father, then petitioner and his father misbehaved, abused and assaulted her. Sajjad Ali gave 3-4 slaps to the complainant and threatened not to visit again at his home. Petitioner's and his father pushed her into the ground and pressed her chest. If she visits again, petitioner and his father will kill her and his husband. Petitione's father has not taken back her money till date. Further petitioner and his father threatened them not to visit at his home otherwise they have to face consequence. On the basis of said complainant abovesaid FIR was registered and investigation was taken up.

3. During investigation, on 07.01.2025 statement U/s 183 BNSS of the complainant also got recorded before the Hon'ble Saket Courts in which she corroborated the version of her complaint.

4. The petitioner and his father joined the investigation on 10.01.2025 only once in which they did not cooperate in the investigation. They straightly denied that complainant did not visit at their house.

5. Further, during investigation, complainant submitted a pendrive in which petitioner's father and petitioner can be heard abusing & threatening the complainant. In this regard



petitioner and his father was served notice on 08.05.2025 to join on 09.05.2025 but they did not join investigation. The petitioner was intentionally avoiding to join the investigation.

6. That, petitioner did not join investigation and approached this Hon'ble High Court as anticipatory bail was dismissed by Sessions Court, South East, Saket Courts.

7. That, on 11.08.2025, petitioner joined the investigation as directed by this Hon'ble Court. Interrogation has been done. Hence, no custodial interrogation is required in this case.

8. However, directions passed by the Hon'ble Delhi High Court shall be abided by."

13. A perusal of the status report clearly shows that specific assertion of the applicant in his bail application that he is a minor, has been given a complete go by. Rather an evasive stand has been taken, which appears to be on dotted lines, perhaps as conveyed by the complainant.

14. Be that as it may, without making any observation on the merits thereof, suffice to note that in view of the Aadhar Card, as well as, also not responding to the averments in the application, a presumption has to be drawn at this stage, but only for the purpose of according concession of bail to the applicant, that he was a minor at the time of incident.

15. Accordingly, the application is allowed. The interim protection granted to the applicant is made absolute subject to the compliance of the provisions contained under Sections 482(2) of BNSS.

ARUN MONGA, J

SEPTEMBER 18, 2025

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