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

+ **BAIL APPLN. 3177/2025, CRL.M.A. 32817/2025 & 32818/2025**

JITENDER KUMAR @ PALTU

.....Petitioner

Through: **Mr. Rajat Katyal and Mr. Mayank
Punia, Advocates.**

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: **Mr. Shoaib Haider, APP for State
with SI Preeti.**

Mr Prakash Kashyap, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

07.11.2025

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1. Fourth Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Petitioner for grant of Regular Bail in FIR No. 0381/2023 under Sections 354/354A/323/506/509 IPC read with Section 10 POCSO Act, registered at P.S.: Vasant Kunj South, Delhi.
2. It is submitted that on 06.07.2023 at 23:28 Hours, a PCR call was received from AIIMS Trauma Center informing that one girl child, aged 7 years, got hurt in fighting and she has been admitted to AIIMS Trauma Centre and GD No.0200A was recorded. Second GD No.0202A was recorded on 07.07.2023 at 21:48 Hours reporting the incident of fighting with a lady. On the next date, on 08.07.2023 at 00:24 Hours, GD No.0008A was recorded that the action has been taken on the earlier DD No.200A and the same was closed.
3. Next GD No.0109A was recorded on 09.07.2023 at 19:48 Hours,



where the incident was described as neighbour having misbehaved with the caller and has been harassing the caller by coming to her house. Thereafter, another GD No.0128A dated 09.07.2023 at 20:54 Hours was recorded, wherein it was stated that neighbor misbehaved with the caller, he is harassing the caller by coming to her house. In the 2nd Call, Caller told that Police man is calling her to the Police Station for compromise.

4. MLC of Respondent No.2/Complainant was conducted on 10.07.2023, wherein she gave history of physical assault by some known person at 08:00 PM on 09.07.2023. MLC of Victim K, aged 14 years, was prepared on 10.07.2023, wherein she gave an history of physical assault by unknown person on 09.07.2023 at 08:00 PM.

5. GD No.0001A dated 10.07.2023 at 00:01 Hours indicated that the caller informed that neighbor Paltu was telling her to vacate the Jhuggi. On this, SI made repeated calls to the caller to submit the Complaint, but caller did not pick up the phone and hence DD was filed.

6. On 10.07.2023 at 06:37 Hours, duty Constable Pushpender got information from Safdarjung Hospital that Respondent No.2/Complainant, aged 32 years, had got injured in a fight and was admitted in Hospital by her brother. On same day at 17:14 Hours, Caller made a Complaint in the name of Paltu's son, as he was a criminal type of person and ASI Hari Ram Vasant Kunj South was pressurizing the lady caller to withdraw the complaint of his misbehaving with her and her 7 year old daughter, on 07.07.2023.

7. On 11.07.2023 at 00:28 Hours, GD No.00009A recorded action taken and caller was contacted on phone, but despite repeated requests, she did not reveal her present address. After which, present FIR No.0381/2023 under



Sections 354/354A/323/506 IPC and Section 10 POCSO Act was registered at PS: Vasant Kunj South, Delhi.

8. It is submitted that from the detailed General Diary Entries (“GD entries”), it is evident that there was no allegation of any kind of sexual assault. Neither the Police nor the Doctors were informed about any sexual assault to any of the victims. In fact, one GD No.0001A dated 10.07.2023 at 00:01 Hours, reflects that the Petitioner was asking to vacate the house. Thereafter, the MLC of Respondent No.2/Complainant and her daughter Victim ‘K’, aged 14 years, was prepared, which also does not mention any sexual assault.

9. The narrative began to change via GD No. 0117A dated 10.07.2023 17:14 Hours, which contains the allegations that the Petitioner allegedly misbehaved with the caller and her 7 years old daughter on 07.07.2023. It is submitted that it cannot be ruled out that there was no sexual assault and that it has been inserted only to cause prejudice to the Petitioner.

10. The allegations in the FIR essentially are that on 06.07.2023, the Petitioner allegedly barged into the house of Respondent No.2/Complainant by breaking the door and thereafter, misbehaved with her and her 7 years old daughter ‘S’.

11. The Petitioner was arrested on 12.07.2023 and since then, he is in judicial custody. Chargesheet has also been filed. Prosecution has relied on 10 prosecution witnesses, out of which 3 material public witnesses already stand recorded. Trial is also likely to take long.

12. Reliance has been placed on Arnesh Kumar vs. State of Bihar, (2014) 8 SCC 273 and Satender Kumar Antil vs. CBI, (2022) 10 SCC 51.

13. It is further asserted that there are material contradictions in the



statements in of the witnesses recorded under Sections 161/164 Cr.P.C. The Petitioner undertakes to abide by any condition that may be imposed while granting him the Bail. **Bail is therefore, sought on the ground of long incarceration.**

14. Status Report has been filed on behalf of the State, wherein the bail has been opposed as there are allegations of sexual assault by the Petitioner to Respondent No.2/Complainant and her 7 years old daughter 'S'. Furthermore, there are seven cases pending against the Petitioner under Excise Act.

15. It is submitted that the prosecution witnesses have supported the case of the prosecution. Earlier Regular Bail Application filed by the Petitioner before this Court was dismissed as withdrawn on 08.04.2024. Subsequent Regular Bail Application was also withdrawn on 12.06.2024. Another, Regular Bail Application was also dismissed by this Court vide Order dated 24.09.2024. **Bail is therefore, opposed.**

Submission heard and record perused.

16. There are multiple GD entries since 06.07.2023 till registration of present FIR on 12.07.2023, some of which reflect that there was some dispute on vacating the Jhuggi. Allegedly, the case of the prosecution is that the Complainant and her seven year old daughter were sexually assaulted by the Petitioner on 06.07.2023, of which there is no mention in GD entries or in MLCs.

17. Pertinently, the allegations made are that the Complainant's seven year daughter was lifted and thrown from a height of two feet and in this act of thrown, there was inappropriate touching of her private part.

18. The Petitioner is in judicial custody since 12.07.2023. The



Chargesheet has already been filed. Three prosecution witnesses have been examined out of 10 prosecution witnesses and trial is likely to take long to conclude.

19. Considering his incarceration and that the trial is likely to take long, the Petitioner/Accused is granted Regular Bail, on the following terms and conditions:

- a) The Petitioner/Accused 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/Accused shall appear before the Court as and when the matter is taken up for hearing;
- c) The Petitioner/Accused 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/Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses; and
- e) In case the Petitioner/Accused changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

20. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court.

21. The Bail Application is accordingly disposed of. Pending Application, if any, also stands disposed of.

NEENA BANSAL KRISHNA, J.

NOVEMBER 7, 2025/R