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

+ BAIL APPLN. 3238/2025 & CRL.M.A. 31659/2025 PLACE ON
RECORD CERTAIN DOCUM., CRL.M.A. 31660/2025
EXEMPTION
SOBHA DEVI (IN JC)Petitioner

Through: Ms. Anushkaa Arora, Adv(DHCLSC)

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Tarang Srivastav, APP with WSI
Sunil.

Ms. Tara Narula, Mr. Harshvardhan
Jain, Mr. Abhishek Sati, Ms. Ananya
Sharma, Advs. for R-2/Victim.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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28.10.2025

1. This is an application under Section 483 read with Section 528 of BNSS, 2023, seeking regular bail in FIR No. 327/2018, registered at PS Okhla Industrial Area, under Section 376/34 IPC and Section 6 of POCSO Act, 2012.

2. Learned counsel for the petitioner submits that investigation is complete and charge sheet has already been filed. Petitioner was granted interim bail twice, but she did not misuse the liberty of grant of bail. She has suffered a prolonged period of incarceration of about 6 years and 11 months.

3. It is further submitted that applicant is the mother of two minor children, who have been left in the care of elderly parents of the petitioner,



who are senior citizens, with no source of income. Her husband is also incarcerated and there is no earning member in the family, due to which, the children of the petitioner have left the school and cannot ever pursue the education as there is no financial support.

4. It has been further submitted that there are material contradictions, inconsistencies and improvements in the version of the victim *qua* the narration of the alleged incident, and therefore, her testimony is not believable.

5. It is further submitted that the age of the victim is not clear as the same is based only on affidavit filed by the father at the time of her admission.

6. The learned counsel further submits that petitioner has clean antecedents with no criminal cases lodged or pending against her, and therefore, no useful purpose would be served by keeping her in jail.

7. Bail application has been opposed by the learned APP, arguing that victim has supported the prosecution case in her testimony before the court. The age proof of the victim has been got verified and placed with the case file, and as per details, the date of birth of the victim is 04.04.2002, and thus, she was aged about 15 years at the time of commission of the offence. He submits that the allegations against the petitioner are grave and serious in nature, and therefore, she does not deserve the liberty of grant of bail.

8. The victim belongs to a poor family. As per allegations, petitioner asked her to work in a Kothi. She took her to a kothi in Sukhdev Vihar, where, she asked the petitioner to do "*Galat Kaam*". She offered the prosecutrix to divide the money they received. The victim agreed in greed of money and started making sexual relations with men in a room rented by



the petitioner. For the first time, the husband of the petitioner made sexual relations with the victim and later different people used to come and have sexual intercourse and pay money. In the beginning, petitioner gave around Rs. 2000/- to the victim, but later she refused to give money.

9. On 30th December, the victim's periods were missed, she waited, and on 05.01.2018, tried to tell the petitioner, but could not find her. The victim initially did not tell anything to her family as she was scared, but later, she revealed everything to her Mausi when she came to her house.

10. This is the second bail application filed on behalf of the petitioner, the first having been dismissed as withdraw with liberty to file afresh in case all the four remaining witnesses are not examined within a period of six weeks.

11. Learned APP states that all the witnesses have since been examined except the Investigating Officer and the next date listed before the trial court is 11.12.2025 for the examination of the IO.

12. POCSO Act, 2012 has been enacted to provide protection to the children from offences of sexual assault and sexual harassment and thus provides severe punishment as an effective deterrence.

13. No doubt, petitioner has suffered incarceration for a long period but petitioner cannot be granted bail merely on the said sole ground. At the time of consideration of the bail application, the Court is not to consider contradictions/inconsistencies in the testimony of the victim. This is not the right stage for appreciation of evidence. The allegations against the petitioner are grave and serious in nature. The trial court's order dated 25.09.2024 records that the victim, who appeared through VC, informed the Court that her family members have been threatened by the family members of the petitioner on number of occasions and they were being pressurized to



settle the present matter and she fears for her life and safety and also that of her family members.

14. Considering the nature and gravity of allegations, coupled with the threat perception to the victim as also the fact that trial is at the fag-end, inasmuch as, only the Investigating Officer remains to be examined, the Court is not inclined to grant bail to the petitioner at this stage.

15. The application is therefore dismissed.

16. Copy of this order be sent to Superintendent Jail for information.

RAVINDER DUDEJA, J.

OCTOBER 28, 2025

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