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

+ **BAIL APPLN. 3501/2025**

SHREE KRISHAN

.....Petitioner

Through: Mr. Nishant Verma, Advocate

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State with Ms. Amisha Dahiya,
Advocate
Mr. Jitendra Kumar Singh, Advocates
for child victims.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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19.11.2025

1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 143/2023, registered at Police Station Najafgarh, Delhi for the commission of offence punishable under Sections 354/354A/376(3)/506(II) of the Indian Penal Code, 1860 (hereafter 'IPC') and Sections 6/5(1)/5(n)/10/9(n) of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'POCSO Act').
2. Briefly stated, the facts of the case are that on 03.04.2023, W/ASI Geeta, while on emergency duty, had received a PCR call *vide* DD No. 75A regarding the alleged sexual assault of a minor victim 'A' by her father. Thereafter, she had reached the concerned School, where she met the victim, her mother, and the class in-charge. A counsellor was thereafter summoned



to the school and during counselling, the victim alleged she was sexually assaulted by her father at her residence. The victim was medically examined at DDU Hospital Hari Nagar (*vide* MLC No. 132/23), and her statement was recorded. Based on the medical report and her statement, the present FIR was registered. It is stated that the victim's date of birth was verified from the School as 20.07.2010, and thus, at the time of the alleged incident, her age was determined to be 12 years. The I.O. had thereafter arrested the present applicant. After completion of investigation, chargesheet was filed before the concerned Court, whereafter charges were framed against the present applicant.

3. The learned counsel appearing for the applicant argues that the child victim 'A', as well as her elder sister 'K', who is allegedly the other victim in this case, have turned hostile and not supported the prosecution case before the Trial Court. It is contended that the alleged victims are the daughters of present applicant, who has been falsely implicated in the present case. It is thus prayed that the applicant be granted regular bail.

4. The learned APP for the State, on the other hand, argues that the allegations against the applicant are serious in nature. He however fairly concedes that the victims as well as their mother have resiled from their earlier statements before the learned Trial Court.

5. This Court has **heard** arguments addressed on behalf of the applicant, as well as the State and the victims, and has also perused the material available on record.

6. At the outset, this Court notes that the victims have already been examined before the learned Trial Court, and though they had initially supported the prosecution case, they later turned hostile before the learned



Trial Court. The mother of the child victim also did not support the case of prosecution.

7. Considering the fact that the victims, who have been examined, have not supported the prosecution case, and also since they are present before this Court alongwith their counsel and state that they have no objection if bail is granted to the present applicant, who is their father, this Court is inclined to grant regular bail to the applicant herein, on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Court and if the applicant has a passport, he shall surrender the same to the concerned Court.
- ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned.
- iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.
- iv) The applicant shall not attempt to influence any of the prosecution witnesses, or tamper with the evidence of the case.

8. Accordingly, the bail application is disposed of in above terms.

9. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

10. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

NOVEMBER 19, 2025/ns