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

+ **BAIL APPLN. 3672/2024**

RAM SHANKAR @ CHHOTU

.....Petitioner

Through: Mr. Ruchir Batra, Mr. Badre
Alam, Mr. Uttam Verma, Advs.

versus

STATE (GNCT OF DELHI) AND ANR.

.....Respondents

Through: Mr. Yudhvir Singh Chauhan,
APP, SI Pushpa, PS Shaheen Bagh, Ms.
Nikita Sharma, Adv. (DHCLSC), Mr. Pulkit
Prakash, Mr. Arjun Mohan, Ms. Arushi
Sharma, Mr. Chitran Krishna, Advs.
(DSL SA)

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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13.02.2025

1. This is a petition seeking grant of regular bail in F.I.R. No. 186/2022 dated 11.02.2022 registered at P.S. Govind Puri, Delhi under Section 363 of Indian Penal Code, 1860 ("IPC").
2. The brief facts of the case are that on 10.02.2022, the mother of the prosecutrix registered a complaint regarding the missing of her daughter aged about 16 years.
3. On 12.02.2022, the prosecutrix along with her mother came to the police station, where the complainant stated that her daughter had been sexually assaulted.
4. During the investigation, the prosecutrix disclosed that the petitioner sexually assaulted her.



5. Thereafter, on 13.02.2022, the petitioner was arrested. The prosecutrix was medically examined and her statement under Section 164 of CrPC was recorded.
6. In her statement under Section 164 of CrPC, the prosecutrix deposed that on 26.01.2022, a minor boy named 'A' lured her to the house of the petitioner, i.e. House No.28, Gali No.7, Chhuriya Mohalla, TKD Village, Govindpuri, Delhi, where he forcefully had physical relations with her in a room on the roof. The petitioner secretly recorded the incident by taking photos and videos.
7. On 27.01.2022, the petitioner blackmailed the prosecutrix with these photos and videos and took her to his house and coerced her into having physical relations with him on two additional occasions.
8. On 10.02.2022, the prosecutrix left her house to meet another minor boy, 'H', who took her to a friend's room, where he also forcefully had physical relations with her. She was unable to escape as the main gate was locked.
9. On 11.02.2022, the prosecutrix managed to leave and went to her neighbor's house, then to her aunt's place, from where her mother came to pick her up.
10. On 12.02.2022, the prosecutrix narrated to her mother regarding the entire sequence of events.
11. On 23.05.2022, charges under Sections 376 and 506 of IPC and Section 6 of the Protection of Children from Sexual Offences, 2012 ("POCSO") were framed against the petitioner, to which he pleaded not guilty and claimed trial.



12. The prosecution examined a total of 6 witnesses and the case was fixed for the statement of petitioner under section 313 of CrPC on 07.10.2024.
13. Mr. Batra, learned counsel appearing on behalf of the petitioner, submits that the statement of the prosecutrix is not of sterling quality as there are following inconsistencies in the statement of the prosecutrix herself at different places:
 - A. In her statement under Section 161 of CrPC, the prosecutrix stated before the doctor that the petitioner established physical relations with her on 26.01.2022, whereas, in her statement under Section 164 of CrPC, the prosecutrix stated that the petitioner established physical relations with her the next day, i.e. 27.01.2022.
 - B. In her testimony before the Court, the prosecutrix stated that the petitioner established physical relations with her post 26.01.2022 (Wednesday) on the next Saturday (29.01.2022) and Sunday (30.01.2022) .
 - C. It is also stated that the petitioner was never in occupation of the room on the roof of his house where the alleged incident of 26.01.2022 is stated to have happened.
14. Mr. Pandey, learned Secretary, DSLSA has joined and stated that *vide* the order dated 03.12.2024 passed by the learned Principal Magistrate, JJB-II, Delhi Gate, New Delhi received in South East, DLSA on 30.12.2024 in the present case, an amount of Rs.2,70,000/- as interim compensation, has already been disbursed and credited into the account of the prosecutrix by DSLSA on 21.01.2025 itself. For the said reasons, he need not appear any further.
15. I have heard learned counsel for the parties and perused the material



available on record.

16. I am of the view that the inconsistencies in the statement of the prosecutrix, if any, were to be put during the cross-examination of the prosecutrix in the trial court. However, none of the questions which have been put during the cross-examination of the prosecutrix in the trial court are with regard to the said inconsistencies in the statement of the prosecutrix, if any. Hence, to draw a presumption that the evidence of the prosecutrix is not of sterling quality is premature at this stage of trial and would be unjust as none of the inconsistencies as stated by the petitioner above have been even put to the prosecutrix to seek her response. Additionally, there is no delay in the trial as the entire prosecution evidence is over.
17. The learned counsel of the petitioner also states that the trial is at the stage of recording of the statement of the accused/petitioner under Section 313 of CrPC and thereafter defence evidence will commence. Thus, the petitioner is required to lead evidence in his defence and needs to prepare for his trial and thus, seeks bail from this Court. However, in the present case, no application for interim bail has been moved by the petitioner for preparing his defence evidence for his trial.
18. In view of the matter, the petitioner is at liberty to file a fresh application seeking interim bail to prepare his defense evidence for his trial and as and when the same will be filed, it will be considered on merits.
19. It is pertinent to note that the petitioner has been in custody since 13.02.2022, thus, it is expected and hoped that the learned Trial Court shall conclude the trial and adjudicate the case on merits as expeditiously as possible.



20. Nothing stated herein above will have bearing on the merits of the case and the above observations are only for the purpose of deciding the present bail application.
21. With these directions, the petition is dismissed.

JASMEET SINGH, J

FEBRUARY 13, 2025/sp

Click here to check corrigendum, if any