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

+ **BAIL APPLN. 3650/2025**

AMIRUL NAT

.....Petitioner

Through: Mr. Nishant Anand, Ms. Gunjan Bansal and Mr. Tarun Choudhary, Advs.

versus

STATE (GNCT OF DELHI) & ANR.

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State with SI Sonia Mann from Vigilance, SI Aarti P.S.Begumpur.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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21.11.2025

CRL.M.A. 28580/2025 (exemption from filing certified copies etc.) & CRL.M.A. 28581/2025 (exemption from filing reply to the IO)

Allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 3650/2025

1. This is a petition filed on behalf of the petitioner under Section 483 BNSS for the grant of regular bail in case FIR No. 350/2023 under Section 354 IPC read with Section 10 POCSO Act registered at P.S.Begumpur.
2. Learned counsel for the petitioner submits that there is a delay of 24 hours in registration of the FIR. Petitioner has been in custody for more than two years, investigation is complete and custodial interrogation of the applicant is no more required.
3. It is further submitted that the FIR is the result of previous enmity between the petitioner and the father of the prosecutrix which is made clear from the testimony of the minor child recorded on 21.11.2024.
4. It is further submitted that the entire case of the prosecution is based



solely on the testimony of the prosecutrix which suffers from material contradictions and improvements. He places reliance upon the cross-examination of the victim conducted on 21.11.2024 to show that the victim has taken a total somersault in such cross-examination. It is argued that prosecution case is not free from doubt and the petitioner is entitled for the grant of bail.

5. Learned APP has argued on the lines of the status report. She submits that petitioner did not join the investigation and was trying to evade his arrest and was subsequently arrested only after his NBWs were issued by the court. She further states that father of the prosecutrix is yet not examined. The allegations against the petitioner are grave and serious in nature, and therefore, petitioner may not be released on bail.

6. As per the allegations, on 01.06.2023 at about 1:00 PM, while the prosecutrix came from her father's tea shop to take a bath, the petitioner who used to work in an iron factory near their house, followed her, pushed her inside the room, and locked it from inside. He attempted to outrage her modesty and covered her mouth, when she shouted. In the meanwhile, her father arrived and called her from outside. The petitioner then released the prosecutrix and hid behind the room and when the victim opened the latch, the petitioner pushed her father and fled away. Subsequently, on 02.06.2023, her father informed the police and based on the victim's statement, FIR was recorded under Section 354 IPC and Section 10 of POCSO Act.

7. It is settled law that at the stage of consideration of bail, the court has to take a prima facie view of the allegations made. The evidence is not to be minutely scrutinized as is done at the final stage. The statements of testimonies of the witnesses of course can be broadly seen. It is borne out



from the record that the statement of the prosecutrix was recorded on 10.04.2024 wherein she supported the prosecution case. She was partly cross-examined on that day but and her further cross-examination was however deferred. Her remaining cross-examination was conducted on 21.11.2024 wherein she took a total somersault.

8. Ideally, the examination-in-chief and cross-examination should be recorded on the same day. In this case, part cross-examination was recorded after a gap of seven months. The possibility that during the intervening period something may have transpired which led to the prosecutrix taking a somersault cannot be ruled out at this stage. These aspects are to be considered by the trial court during the course of the trial upon appreciation of the evidence and are therefore left to be decided by the trial court at an appropriate stage. Moreover the statement of the father of the prosecutrix who allegedly reached at the spot is still to be recorded. Possibility that upon being released on bail, petitioner may try to influence him cannot be ruled out.

9. Hence, keeping in view the nature and gravity of allegations as also the fact that the father of the prosecutrix is not examined as yet, the Court is not inclined to grant bail to the petitioner at this stage. The application is therefore dismissed.

10. It is clarified that any observation made in the order is only for the purpose of the disposal of the bail application and may not be construed as an expression on merits of the case.

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

RAVINDER DUDEJA, J

NOVEMBER 21, 2025/ib/ma