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

+ **BAIL APPLN. 3984/2025**

**KULDEEP KUMAR**

.....Petitioner

Through: Mr. Anuj Kumar Ranjan, Mr. Sunil Ojha, Mr. Naman Raj Thakur & Mr. Manish Kumar, Advocates

versus

**STATE OF NCT OF DELHI**

.....Respondent

Through: Mr. Aashneet Singh, APP with WSI Soni Lal, PS Nabi Karim  
Mr. Jitender Mehta, Mr. Lalit Kumar, Mr. Shivam Pahal, Mr. Abhinav Kumar & Ms. Neha Malik, Advocates for the prosecutrix

**CORAM:**

**HON'BLE MR. JUSTICE RAVINDER DUDEJA**

**ORDER**

**09.12.2025**

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1. This is an application under Section 483 Cr. PC read with Section 528 BNSS, seeking grant of bail to the petitioner in case FIR No. 427/2024, under Section 64(2)/87/127(2) BNS, 2023, in Sessions Case No. 63/2025, pending trial before the learned Sessions Court.
2. Learned counsel for the petitioner submits that all the public/independent witnesses, including the prosecutrix, have since been examined. So far, 15 out of 31 witnesses have already been examined before the trial court. The independent witnesses have not supported the version of the prosecutrix.



3. It is further submitted that the MLC of the prosecutrix does not show any kind of injury on her person. There is a delay in the registration of the FIR, for which, there is no explanation. It is stated that it is not the prosecution case that prosecutrix was threatened by the petitioner not to disclose about the alleged incident to her husband or anybody else.

4. Learned counsel further submits that petitioner is a married person, comprising his wife, two minor school going daughters and an old father, who is suffering from various old-age ailments. He is stated to be a poor person, earning his livelihood while driving an auto-rickshaw and is stated to be the sole bread-earner of his family.

5. Bail application has been opposed by the learned APP, duly supported by the learned counsel for the complainant, submitting that the allegations are grave and serious in nature and investigation has confirmed the involvement of the petitioner in the heinous offence of rape. It is further submitted that petitioner is involved in a criminal case of similar nature and therefore he is a habitual offender and thus not entitled to the grant of bail.

6. Admittedly, this is the second application for the grant of bail filed on behalf of the petitioner, the first having been dismissed by this Court vide order dated 17.03.2025. The learned counsel for the petitioner however states that there has been change of circumstances since the dismissal of the last bail application, inasmuch as, charge has been framed and 15 witnesses have already been examined including the prosecutrix. It is further submitted that petitioner has been in judicial custody since last more than one year and therefore no useful purpose shall be served by keeping him in custody.

7. As per allegations, prosecutrix boarded a train from Sonapat Railway Station towards Badli as she was to go to her parental home, but by mistake,



she reached at New Delhi Railway Station. The petitioner, who is stated to be an auto-rickshaw driver, offered to drop her at Sarai Kaley Khan Railway Station so that she could board the train for Faridabad. On the way, he offered tea to her and thereafter took her to a room in a hotel and sexually abused her. Later, he dropped her on the main road near a bridge.

8. Status Report reveals that during investigation, IO had collected the CCTV footage of New Delhi Railway Station, wherein, petitioner and the prosecutrix can be seen together at the railway station. Even though, no Hotel Entry Register has been found regarding the stay of the petitioner and the prosecutrix, but hotel manager confirmed that petitioner was a regular customer of the hotel as he used to bring customers for hotel and on the particular date, he had brought a lady with him and took a room. A separate FIR has already been registered against the concerned hotel for not maintaining the proper register.

9. The learned counsel for the prosecutrix submitted during arguments that prosecutrix is suffering from bipolar disorder, due to which, she was not in a position to understand the nature of the act and that was one of the reasons for the delay in lodging the FIR. Even though there is three days delay in the registration of FIR, DD entry stands lodged on the same very day of incident. Delay in registration of FIR is *per se* not fatal to the prosecution case. It will be open to the Trial Court to consider the reasons for delay during the course of Trial.

10. Absence of injury on the victim is also not fatal to the prosecution case. The contradictions and inconsistency, if any, in the testimony of the prosecutrix and their effect shall be tested during the trial.



11. The allegations against the petitioner are grave and serious in nature. Hence, keeping in view the nature and gravity of allegations, the severity of punishment, which the offence may entail upon conviction, I am not inclined to grant bail to the petitioner at this stage.

12. The application is accordingly dismissed.

**RAVINDER DUDEJA, J.**

**DECEMBER 9, 2025**

*RM/LKS*