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

+ **BAIL APPLN. 4106/2025**

MOHAMMAD SHARIFPetitioner

Through: Mr. Ashish Kumar, Adv.

versus

THE STATE NCT OF DELHIRespondent

Through: Mr. Sanjeev Sabharwal, APP with SI
Rohit, P.S.Kanjhawala.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **16.12.2025**

1. This is an application for the grant of bail filed on behalf of the petitioner-Mohammad Sharif in case FIR No. 377/2024 under Section 65(2) BNS and Section 6 of POCSO Act, registered at P.S.Kanjhawala.
2. Learned counsel for the petitioner submits that petitioner has been falsely implicated. He states that investigation is complete and charge sheet has already been filed in court, and therefore, petitioner is not required for any custodial interrogation.
3. It is further submitted that prosecutrix and all the material witnesses have already been examined and only formal witnesses remain to be examined, and therefore, the possibility of threatening or influencing them is ruled out.
4. It is further submitted that there is an unexplained delay in lodging of FIR inasmuch as the incident occurred on 26.08.2024 but FIR was registered on 28.08.2024. According to him, the testimony of the prosecutrix has serious inconsistencies and contradictions and therefore petitioner is entitled to grant of bail.



5. Learned APP has argued on the lines of the status report submitting that the allegations are grave and serious in nature. He further submits that petitioner used to live in the Kabirstan and has no permanent place of abode and therefore there is a possibility that on being released, he may jump the bail or repeat the offence with other minor children.
6. As per allegations, the victim was lured by the petitioner with “magic cure” for her father’s TB treatment. She was taken to a deserted place in Kabirstan where she was raped. Not only this, she was told that said act has to be repeated 19 times for curing the disease of her father.
7. As per the status report, the exhibits collected during investigation i.e clothes and sexual assault kit of the victim, blood samples and the clothes of the accused were sent to FSL, Rohini and FSL result confirms the DNA matching.
8. The age of the victim at the time of the incident was 10 years, and the age of the petitioner was 51 years. POCSO Act has been enacted for the protection of children from offences of sexual assault and sexual harassment. At the stage of consideration of bail, the court is not to minutely scrutinize the testimonies of the witnesses and test its credibility. The question of delay if any shall also be duly considered during the trial.
9. Hence considering the allegations made and the nature and gravity of the allegations, the Court is not inclined to grant bail to the present petitioner at this stage. The application is therefore dismissed.

RAVINDER DUDEJA, J

DECEMBER 16, 2025/ib/ak