



\$~79

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

+ **BAIL APPLN. 4288/2024**

RAJ SINGH

.....Petitioner

Through: Ms. Lakshmi Bidhuri & Ms. Anmol
Kaur, Advocates

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Raj Kumar, APP for the State
Complainant/victim in person.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

09.01.2025

%

1. The present bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') has been filed on behalf of the applicant, seeking grant of regular bail, in case arising out of FIR No. 279/2024, registered at Police Station Sangam Vihar, Delhi, for offences punishable under Sections 376/506 of the Indian Penal Code, 1860 (hereafter 'IPC') and Section 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act').

2. The brief facts of the case, as per the prosecution, are that on 10.05.2024, the victim had lodged a written complaint at P.S. Sangam Vihar, stating that for the past 10 years, her father i.e. the present applicant, had been torturing her both physically and mentally. She further alleged that her father had inappropriate intentions and had been raping her. The victim also



claimed that the accused used to threaten to kill her mother and brother if she disclosed his actions. Additionally, she stated that in October 2023, the accused made a private video of her while she was bathing and used the same to blackmail her into having physical relations with him. Based on these allegations, the present FIR was registered. The victim was sent to AIIMS, Delhi, for conducting MLC, where she refused to undergo an internal examination. During the investigation, on 11.05.2024, the applicant was arrested, and a knife was allegedly recovered from his house. His bail application was subsequently dismissed by the learned Trial Court on 05.06.2024.

3. The learned counsel for the accused/applicant contends that the applicant has been falsely implicated by his daughter and that there is no evidence against him. It is further argued that although the victim appeared before the learned Trial Court and did not oppose the bail application, the learned Trial Court has still dismissed the application through the impugned order.

4. *Per contra*, the learned APP for the State opposes the present application on the ground that allegations against applicant are of serious and grave in nature.

5. This Court has heard arguments addressed on behalf of learned counsel for the parties and has perused material on record.

6. In this case, the FIR came to be registered on the statement of the victim, on the allegations that the accused, who is the real father of the victim, had been committing rape upon her since the year 2013, till December 2023. In her statement recorded under Section 164 of Cr.P.C, the victim, who at present is 24 years old and at the time of lodging of the



complaint was 23 years old and was pursuing her post graduation, had alleged that the accused had also made an inappropriate video of her and blackmailed her that he would make the video viral if she did not make physical relations with him. Notice was issued to the victim by the concerned Trial Court judge. In the impugned order of rejection of bail, the Trial Court noted that though the victim stated before the Court that she had made a false complaint against her father and is still staying in the same house, she cannot be believed as she may be tutored or under threat.

7. The victim appeared before this Court, who stated that she did not want to be assisted by a counsel. However, she was assisted by the learned APP appearing for the State. The learned APP for the State, assisted by the IO and the victim herself, had addressed arguments on behalf of the victim and the State.

8. The victim in her interaction with the Court, during the court proceedings, informed that she had lodged a false complaint against her father, since her father was not permitting her to pursue further studies and was not permitting her to leave home. She wanted to study further and therefore could not think of anything else, but to lodge a complaint of sexual assault against her father. She stated that by lodging such a complaint, she was able to pursue her studies. However, she regretted the same, and stated that she was ready to face any consequences for making a false complaint against her father.

9. Though it would be a matter of trial as to whether these serious allegations were true or false, to cross the threshold of being proven beyond reasonable doubt as per law, at this stage, when the victim herself who is about 24 years of age, and has been duly identified by the I.O., states before



this Court that the allegations against the accused are false, this Court is inclined to release the accused/applicant on bail, on his furnishing a personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the 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.
 - ii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
 - iii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.
10. The bail application stands disposed of in the aforesaid terms.
 11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 9, 2025/at

[Click here to check corrigendum, if any](#)