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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4504/2024**

BHOLA

.....Petitioner

Through: Mr. Tanishq Sirohi, Mr. Raghav
Khanna, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP with SI
Aarti Yadav, PS Kapashera
Mr. Faraz Maqbool, Ms. Sana Juneja,
Ms. Deepshikha, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **10.02.2025**

1. This is a petition seeking bail in FIR No. 0242/2024 under Section 363 IPC dated 10.05.2024 registered at PS Kapashera.
2. As per the FIR, the child victim was taken by two accused persons to Bombay and thereafter to Gujarat.
3. The child victim was sexually assaulted and an FIR u/s 363 IPC has been filed but the petitioner has been charged u/s 363/376/366(A)/370/506/120B/34 IPC, Section 6 of the POCSO Act and Sections 3,4 of Immoral Traffic Prevention Act, 1956.
4. It is stated by Mr. Sirohi, learned counsel for the petitioner that the petitioner has not been named in the FIR thus the petitioner is not guilty of the offence.
5. Further, the co-accused has been granted bail on 18.11.2024 by this Court in BAIL APPL. 3700/2024.



6. In the present case, the allegations are that two accused, namely Rashid and Rimpa took the minor child first to Bombay and thereafter to Surat, Gujarat. There the minor child was sexually assaulted by various persons.
7. Admittedly, the petitioner was not named in the FIR as the prosecutrix did not know the name of the petitioner.
8. However, the prosecutrix in judicial TIP has identified the petitioner as one of the perpetrators who had committed the sexual assault.
9. The difference between Vipul Kumar i.e. the person who was granted bail in BAIL APPL. 3700/2024 vis-a-vis the petitioner is that Vipul Kumar was the owner of the property in Gujarat, where the victim was sexually assaulted.
10. More importantly, Vipul Kumar was not identified in the TIP by the prosecutrix.
11. The allegations against the petitioner are serious in nature and the evidence of the prosecutrix is yet to be recorded.
12. For the said reasons, I am not inclined to entertain the petition and the same is dismissed.
13. Nothing stated above shall be considered as an opinion on merits of the present case.

JASMEET SINGH, J

FEBRUARY 10, 2025/DM

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