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

+ **BAIL APPLN. 4505/2024**

VIKRAM KASHYAP

.....Petitioner

Through: **Mr. Sachin Pahwa, Advocate.**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Raj Kumar, APP for the State.**

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

06.02.2025

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1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter '*BNSS*') has been filed on behalf of the applicant/petitioner, seeking grant of regular bail, in case arising out of FIR bearing no. 177/2020, registered at Police Station Narela, for offences punishable under Sections 376(2)(f)/342 of the Indian Penal Code, 1860 (hereafter '*IPC*') and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (hereafter '*POCSO*')

2. Brief facts of the present case are that on 04.02.2020, a PCR call regarding allegation of rape of a minor girl was received *vide* DD No. 3A. Head Constable Pawan along with Ct. Bhalu Ram had reached the spot i.e. House No. 183, Tilai Khurd, Delhi. SI Bimla had also reached the spot and had found the victim, her mother and alleged accused. It is stated that the victim with her mother and accused were brought to Police Station, and the IO had recorded the statement of victim. Thereafter, the victim along with



her mother and counsellor were taken to Satyawadi Raja Harish Chandra Hospital, Narela, Delhi for medical examination. Medical examination was conducted, wherein doctor had opined that “*there is alleged history of sexual assault by cousin elder brother named Vikram who was around 27-28 years, at around 05.00-05.30 PM.*” It is stated that the victim had informed that the accused had taken her forcefully by holding her hand upstairs, inside the room, had locked the door, when victim was at her grandmother’s house, at Tikri, Delhi. It is stated that she had tried to shout for help but Vikram had covered her mouth with his hand and had forcefully taken off her clothes. It is stated that Vikram had pushed her to ground and had sexually assaulted her. Thereafter, in view of the statement of the victim, MLC and circumstances, the above mentioned case was registered. Statement of the victim under Section 164 of the Code of Criminal Procedure, 1973 (hereafter ‘*Cr.P.C.*’) was recorded.

3. The learned counsel appearing for the applicant submits that the applicant herein has been in judicial custody for the last five years. He stated that the trial will take some time. He further states that the applicant/accused had been granted bail on three different occasions earlier, and had not misused the liberty, so granted to him.

4. The learned APP appearing for the State submits that the applicant herein is the first cousin of the victim, who was only 16 years of age, when she was sexually assaulted. The learned APP further submits that all the witnesses in this case have been examined and the case is now listed for final arguments.

5. This Court has heard arguments addressed on behalf of both the parties and has perused the material available on record.



6. Having gone through the same, this Court is of the opinion that all the witnesses in this case have been examined. The same is listed tomorrow for final arguments before the learned Trial Court and therefore, is likely to be decided within one month. The victim in this case is the first cousin of the accused and has supported the prosecution case in her statement, to the police as well as in her statement recorded under Section 164 Cr.P.C. She has also supported the prosecution case, when her testimony was recorded before the Court. The medical record as well as the FSL report supported the prosecution case.
7. Considering the overall facts and circumstances of the case as well as the gravity of the offence, no ground for bail is made out.
8. Accordingly, the present application stands rejected.
9. However, as mentioned above, since the case is listed before the learned Trial Court for hearing final arguments tomorrow, the learned Trial Court shall ensure that final arguments are heard tomorrow itself without giving any adjournment unnecessary and decide the case within a month.
10. Copy of this order be sent to the learned Trial Court forthwith, electronically as well as any other mode, as per practice.
11. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.
12. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J
FEBRUARY 06, 2025/at

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