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

+ **BAIL APPLN. 4518/2024**

ABHISHEK SAXENA @

ANSHUL

.....Applicant

Through: Mr. Anup Kumar Das &
Mr. Uday Chauhan, Advs.

versus

STATE NCT OF DELHI

AND ANR

.....Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State
SI Purvi Ahlawat, PS-
Tilak Nagar
Mr. Archit Upadhyay
(DHCLSC) with Mr.
Kartik Sharma, Advs. for
victim

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **28.05.2025**

1. The present application is filed seeking regular bail in FIR No. 541/2018 dated 22.10.2018, registered at Police Station Tilak Nagar for offences under Sections 363/377/506/34 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. The FIR was registered on a complaint given by the victim alleging that on 15.10.2018 when the victim was having tea with his friends, the applicant along with two other persons forcefully took the victim near a drain in Chander Vihar and thereafter sexually assaulted.
3. The learned counsel for the applicant submits that the



applicant has been falsely implicated in the present case. He submits that there are several contradictions in the statement of the victim, the benefit of which ought to be afforded to the applicant. He submits that in the FIR, the victim stated that he was abducted and forcefully taken near a drain in Chander Vihar, however, in his statement under Section 164 of the Code of Criminal Procedure, 1973 ('CrPC'), the victim stated that he had been beaten throughout and attacked with a big stone. He submits that there was a delay of 6 days in lodging the FIR.

4. He submits that as per the FIR, the victim had himself narrated the events that had transpired on 15.10.2018 to his father, however, in his cross examination, the victim stated that on being asked by his father about his whereabouts on 15.10.2018, the victim had stated that he had been abducted.

5. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant. He submits that the applicant had absconded twice during the course of the trial. He submits that the applicant is involved in several other cases, and submits that considering the conduct of the applicant, the present application be dismissed.

6. Even though contradictions have been pointed out in the statement of the victim at the time of the registration of FIR and at the later stage, at the time of recording of statement under Section 164 of the CrPC, as well as in the testimony before the Court, however, purely looking at the conduct of the applicant that he absconded twice during the course of the trial, this Court does not consider it apposite to grant any relief to the applicant.

7. It is pointed out that three out of seventeen witnesses have been examined. The delay in recording of evidence is also



attributed to the applicant who absconded for a considerable period of time.

8. Thus, even though there appears to be some merit in the defence of the applicant, the present application is dismissed with direction to the learned Trial Court to expedite recording of evidence and make endeavours to conclude the same within a period of six months.

AMIT MAHAJAN, J

MAY 28, 2025

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