



\$~3

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

BAIL APPLN. 4557/2024

MR LALIT PASWAN @ PANJI

.....Petitioner

Through: Mr. Gaurav Sharma, Mr. Lakshay
Yadav, Mr. Shrikant and Mr. Akshay,
Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastva, APP for the
State with SI Sangeeta, P.S.: Shahbad
Dairy.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

10.01.2025

%

By way of the present petition filed under section 483 read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner seeks interim bail in case FIR No. 0720/2023 dated 01.08.2023 registered under section 376 of the Indian Penal Code, 1860 and section 6 of the Protection of Children from Sexual Offence Act, 2012 at P.S.: Shahbad Dairy, Delhi on the ground of ill-health of his father.

2. Notice on this petition was issued on 10.12.2024; pursuant to which Status Report dated 12.12.2024 has been filed by the State under the cover of index dated 17.12.2024.
3. Nominal Roll dated 16.12.2024 has also been received from the concerned Jail Superintendent.
4. Pursuant to intimation sent as directed *vide* order dated 10.12.2024, the prosecutrix and her mother are present in court today.



5. The court has heard Mr. Gaurav Sharma, learned counsel appearing for the petitioner as well as Mr. Tarang Srivastva, learned APP appearing on behalf of the State. The court has also interacted with the prosecutrix and her mother at length.
6. The status report narrates that the medical documents appended to bail petition relating to the petitioner's father have been verified and are found to be genuine.
7. Though the status report also records that the petitioner's brother has now started living separately from his parents due to registration of the present case, it transpires that the petitioner's mother resides with his father.
8. As per the medical records appended to the petition, the petitioner's father is suffering from the consequences of *malunited fractures of distal shaft of tibia and fibula and talus bones*, which has led to a *bony deformity in the distal leg region*. Mr. Sharma submits, that this is causing severe pain to the petitioner's father and the problem needs to be addressed, and perhaps may even require surgery.
9. Opposing the grant of interim bail, learned APP submits, that there is compelling medical evidence against the petitioner inasmuch as the DNA report shows that the prosecutrix's foetus, that was medically terminated, was fathered by the petitioner. Learned APP further submits, that it has also been documented that the prosecutrix was 'minor' at the time of commission of the offence.
10. Mr. Sharma disputes the contentions raised on behalf of the State, submitting that in any case, the petitioner is only seeking interim bail on the ground of his father's medical condition; and prays that the



plea may be considered from the humanitarian perspective since the petitioner's mother is unable to cope with the father's medical problems.

11. Upon being queried, the prosecutrix states that though the petitioner reside in her neighbourhood, she perceives no threat from him. In fact the prosecutrix as well as her mother categorically say, that considering the medical problems of the petitioner's father, the petitioner's plea seeking interim bail be allowed.
12. Upon a conspectus of the facts and circumstances obtaining in the matter, and in particular the medical condition of the petitioner's father which stands verified by the State, and also based on what has been stated by the prosecutrix in court today, on humanitarian considerations, this court is persuaded to grant to the petitioner – ***Lalit Paswan @ Panji s/o Sanjay Paswan*** – interim bail for 01 week from the date of his release subject to the following conditions :
 - 12.1. The petitioner shall furnish a personal bond in the sum of Rs. 25,000/- (Rs. Twenty-five Thousand Only) with 01 surety in the like amount from a family member, to the satisfaction of the learned trial court;
 - 12.2. The petitioner shall not leave the State of Delhi without permission of the court and shall *ordinarily* reside at the address as per prison records/as mentioned in the application;
 - 12.3. The petitioner shall furnish to the Investigating Officer a cell-phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;



- 12.4. If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of this court;
- 12.5. In case of any change in his residential address/contact details, the petitioner shall promptly inform the Investigating Officer in writing; and
- 12.6. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
13. Upon expiry of the period of interim bail, the petitioner shall surrender before the concerned Jail Superintendent *forthwith*.
14. Needless to add, nothing in this order shall be construed as an expression of opinion on the merits of the pending trial.
15. A copy of this order be sent to the concerned Jail Superintendent *forthwith*, for information and compliance.
16. The petition stands disposed-of.
17. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JANUARY 10, 2025

SS