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

+ **BAIL APPLN. 4566/2024**

SHAHNE ALAM @ SAHIL CHAUDHARY

.....Petitioner

Through: Mr. Ramesh Gupta, Mr. Vijay Dalal,
Mr. Shailendra Singh, Mr. Ishaan Jain
and Mr. Surya Pratap Singh,
Advocates

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Hitesh Vali, APP for the State
Ms. Sakshi Jayant, Advocate for R-2

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

11.09.2025

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1. By way of the instant application, the applicant seeks grant of regular bail in case arising out of FIR No.611/2021 dated 28.10.2021, registered at Police Station Mohan Garden, Delhi for the commission of offence punishable under Sections 328/376/34 of the Indian Penal Code, 1860 (hereafter '*IPC*') and Sections 4/6 of the Protection of Children from Sexual Offences Act, 2012 (hereafter '*POCSO Act*').
2. Issue notice. The learned APP accepts notice on behalf of the State.
3. Briefly stated, the facts of the present case are that the prosecutrix (hereafter, "victim/ victim child") had first met the applicant through Amir Hussain, her dance teacher, at his dance academy, "The Dance Crook", whereafter, admittedly, the victim child and the applicant fostered a friendly



relation and had begun communications on social media. It is stated that before two or three days of the alleged incident, the victim child had spoken to the applicant, who had suggested her to receive a hair treatment with his assistance, as she had herself expressed her willingness for the same. It is stated that on October 27, 2021, at approximately 4:30 PM, the victim child had met applicant at his place, near Dwarka Mor, Rama Park, upon his instance for the stated purpose. It is stated that around 5:00 PM, when the prosecutrix had gone to the washroom. Upon her return, the applicant had offered Coca-Cola to the victim child. Allegedly, upon consuming the said drink, the victim felt dizzy and was rendered unconscious. It is stated that the applicant had misused the said state of the victim to rape her. Allegedly, when the victim had regained consciousness, she was refused an opportunity to converse with her family members, who had been repeatedly calling her. Thereupon, allegedly, when she screamed at the applicant, he became violent and again tried to assault her. Thereafter, the father of the prosecutrix had reached the place of the incident, which culminated in the filing of the above-captioned FIR.

4. The learned counsel for the petitioner-applicant submits that the applicant has been falsely implicated in the present case. It is argued that the investigation in the present case qua the applicant has been completed in all respects. Moreover, it is argued that the trial is proceeding at slow pace, with only 10 witnesses out of 24 witnesses having been examined by the learned Trial Court so far. Specifically, the examination-in-chief of the victim child is yet to be completed. It is contended that the birth certificate, coupled with the testimony of PW-10, cogently proves that the applicant was a minor at the time of the alleged incident, added to which, the applicant has been



languishing in jail for 4 years, which thus makes out a case for his bail. Lastly, it is argued that the applicant is ready to cooperate in the trial; thus, his application be allowed.

5. The learned APP for the State, on the other hand, vehemently opposes the present application on the ground that there appears to be a strong prima facie case against the applicant. In this regard, it is contended that the testimony of the witnesses having been examined by the prosecution before the learned Trial Court so far consistently indicates the guilt of the applicant, which seeks specific material support from the FSL report as well as her MLC. Additionally, it is argued that the applicant himself does not deny or dislodge the allegations levelled against him, having disclosed as to the incident to the co-accused, Amir Hussain. Furthermore, it is argued that the order of the coordinate bench dated 27.09.2024 had conclusively found the age of the applicant to be 21 or 22 years, which negates the suggestion that he was a minor at the relevant point of time. Lastly, it is contended that the record reveals that the conduct of the applicant is not clean, having attempted to approach the victim as well as her mother; thus, the application be dismissed.

6. This Court has **heard** arguments addressed on behalf of the learned counsel appearing on behalf of the applicant and the learned APP for the State and has also perused the material available on record.

7. At the outset, this Court finds that the allegations qua the applicant are grave and heinous in nature. It is alleged that the victim child had met the applicant 2-3 months prior to the alleged incident in a dance studio, whereafter the two started chatting with each other. On 27/10/2021, when the victim had reached Dwarka Mor, upon being called by the applicant for



receiving a hair treatment, she was taken by the applicant to his home, where she was offered soft drinks by the applicant. Upon consuming those drinks, she fell unconscious, and in that context, the applicant committed rape upon her. Furthermore, it is stated that the victim had subsequently come to know the applicant's real name, Shahne Alam, and not Sahil, as disclosed initially. This Court finds that the stated allegations are in absolute consonance with the narrative of the prosecution ever since the inception. Evidently, the statement of the prosecutrix child recorded under Section 164 of Cr.P.C. initially, her subsequent medical examination, followed by the testimonies of the witnesses who have been examined before the learned Trial Court, clearly corroborate this version. More particularly, this Court finds that the FSL report directly links the applicant with the alleged incident, finding that the DNA profile of the applicant had matched the DNA profile obtained from the victim. This conspectus of evidentiary material thus cumulatively establishes a cogent *prima facie* case against the applicant for the offences in question in view of this Court.

8. Furthermore, this Court observes that while the record *prima facie* establishes that the victim was a minor at the time of the alleged incident, insofar as the contention of the applicant that he was a minor at the time of the alleged incident, is concerned, this Court notes that *vide* upon an order passed by the coordinate bench of this Court dated 27.09.2024, wherein placing reliance on the applicant's ossification test, it was held that the age of the accused was 21-22 years of age, in which light, the said contention appears unmerited to this Court at the present stage.

9. The record further reveals that the applicant, as well as his mother, has endeavoured to contact the victim child and her mother, in which respect



a complaint at the instance of the victim's mother has also been placed on record; therefore, enlarging the applicant on bail in this backdrop would not be appropriate.

10. Thus, in view of the foregoing circumstances, this Court is not inclined to grant bail to the applicant.

11. The present application is therefore dismissed.

12. Accordingly, the application stands disposed of in the above terms.

13. It is, however, clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.

14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

SEPTEMBER 11, 2025/ns