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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 98/2025

PRADEEP

.....Petitioner

Through: Mr. SN Shukla, Mr. Amrendra
Kumar, Mr. Shivender Singh, Advs.

versus

STATE OF DELHI (N.C.T. OF DELHI)

.....Respondent

Through: Mr. Sunil Kr. Gautam, APP
Mr. Hariom and Ms. Samanta Rao, Advs.
SI Savita, PS Prasad Nagar

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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25.02.2025

1. This is a petition seeking regular bail in SC No. 790/19 arising out of FIR No. 31/2019 registered at P.S. Prashad Nagar, Delhi under Sections 306/366/376D/109/201/34 of IPC.
2. As per the FIR, on 17.01.2019, a call was received that one girl has fallen from the roof of the house no. 16/477 I Military Road Bapa Nagar. IO SI Mahipal reached the spot and came to know that injured had been admitted to the Hospital and is unfit for statement. During investigation, it was transpired that the injured left home on 16.01.2019 and came to Connaught Place for her job training and after the training, she did not return home. Hence, missing report was registered on 17.01.2019.
3. On 20.01.2019, the injured succumbed to her injuries. Hence the FIR was registered.
4. During the course of investigation, Sonu Kumar was detained by IO who confessed his crime and told that earlier he used to live in a



rented house in Bapa Nagar itself. He had started working as a health coach in a company called Herbal Life in Madipur with his maternal uncle's son namely Ranjan. The deceased contacted him for a job. He interviewed her and hired her. Since the victim belonged to a poor family, Sonu Kumar expressed his desire to have sex with her by luring her with money which was refused by the deceased. Subsequently, Sonu told this to his friend i.e. the petitioner who said that he should try and get the deceased to Bapa Nagar.

5. Subsequently, the plan was shared with another co-accused namely Janak Singh *alias* Bablu who lived with his wife in a flat. He informed that he would send his wife away and will adjust accordingly. Co-accused namely Ravi was also included in the plan. Sonu Kumar told the deceased that there is another part-time job offer which will give her more income. Finding the right time and opportunity, he brought the deceased to Bapa Nagar to meet the petitioner. Thereafter, the petitioner along with other co-accused had liquor. Janak Singh *alias* Bablu had sex with the deceased and thereafter Pradeep also. Thereafter, Ravi also had sex with the victim. Janak Singh *alias* Bablu and his wife were also present. Subsequently, it transpired that deceased jumped from the roof of Bablu's house.
6. It is stated by Mr. Shukla, learned counsel for the petitioner that the case against the petitioner is of pure circumstantial evidence.
7. He further states that the petitioner has undergone a substantial period of incarceration of about more than 6 years 1 month and only 37 out of 45 witnesses have been examined so far. In these circumstances, the petitioner should be granted bail. Also, the co-accused Ravi has



been granted bail.

8. Mr. Shukla, learned counsel further states that as per the post-mortem report, there are no injuries to suggest forceful physical assault on the victim. As per the internal swab of the deceased, no semen was detected. Additionally, no female DNA was found on the jeans of the deceased. In this regard, reliance is placed on the testimony of PW-26.
9. Learned APP states that the offences committed by the accused persons including the petitioner are very serious in nature and trial is likely to be concluded.
10. I have heard learned counsel for the parties.
11. In the present case, the deceased victim belonged to a poor strata of the society and was desirous of enhancing her life prospects. She wanted to get to a job which provided her with better opportunities and higher remuneration. Taking advantage of her condition, the petitioner along with his co-accused persons lured her by promising her better job and forced her to have sexual relations with all the co-accused. The acts of the petitioner along with co-accused resulted in the deceased victim jumping from the 4th floor of a building to end her life.
12. As per the FSL Report, it shows that the semen detected on the deceased jeans matches with the DNA profile of the petitioner. *Prima facie*, it shows the involvement of the petitioner in the committing the aforesaid offences.
13. The prosecution case is that when the body of the deceased was recovered, she was wearing the jeans and hence, there was no requirement for female DNA profile to be done on the jeans.



14. The Hon'ble Supreme Court in *X v. State of Rajasthan, 2024 SCC OnLine SC 3539* has observed as under:-

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

15. Over a period of time, we have noticed two things, i.e., (i) either bail is granted after the charge is framed and just before the victim is to be examined by the prosecution before the trial court, or (ii) bail is granted once the recording of the oral evidence of the victim is complete by looking into some discrepancies here or there in the deposition and thereby testing the credibility of the victim.

16. We are of the view that the aforesaid is not a correct practice that the Courts below should adopt. Once the trial commences, it should be allowed to reach to its final conclusion which may either result in the conviction of the accused or acquittal of the accused. The moment the High Court exercises its discretion in favour of the accused and orders release of the accused on bail by looking into the deposition of the victim, it will have its own impact on the pending trial when it comes to appreciating the oral evidence of the victim. It is only in the event if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release



on bail on the ground that right of the accused to have a speedy trial has been infringed.”

15. The Hon’ble Supreme Court in the aforesaid judgment has observed that in the offences like rape and once the trial commences and the prosecution starts examining its witnesses, the Court should be reluctant in granting bail to the accused and the trial must be allowed to reach to its final conclusion.
16. In the present case, 37 out of 45 witnesses have already been examined. It is expected that the learned Trial Court would conclude the trial in an expeditious manner. The acts of the petitioner, to my mind, are heinous in nature and the gravity of the offence is also serious.
17. Additionally, the grounds raised by the learned counsel for the petitioner are available at the time of the final arguments.
18. For the said reasons, I am not inclined to grant bail to the petitioner at this stage and hence, the same is dismissed.
19. The petitioner is at liberty to file a fresh bail application subsequently.
20. The status report handed over in Court today is taken on record.

JASMEET SINGH, J

FEBRUARY 25, 2025 / (MS)

Click here to check corrigendum, if any