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

+ **BAIL APPLN. 252/2025**

SANDEEP @ SANJAY

.....Petitioner

Through: Mr. Sujeet Mishra and Mr. Sanyam,
Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Rajkumar, APP for the State.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

21.01.2025

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CRL.M.A. 1748/2025 & CRL.M.A. 1749/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

BAIL APPLN. 252/2025

3. The present bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') has been filed on behalf of the applicant, seeking grant of regular bail in case arising out of FIR bearing no. 0421/2022, registered at Police Station Ambedkar Nagar, Delhi, for offences punishable under Sections 363/366/120B/376(2)(N) of the Indian Penal Code, 1860 and Sections 6 of the Prevention of Children from Sexual Offences Act, (hereafter 'POCSO Act').
4. Issue notice. Mr. Rajkumar, learned APP accepts notice on behalf of the State.



5. Briefly stated, the present FIR was registered on the basis of the complaint lodged by the maternal brother of the victim/prosecutrix on 11.08.2022. The victim in this case was allegedly recovered by her parents on 13.08.2022 from Bhatinda Railway Station, Punjab. Upon reaching the spot, three more persons namely Jai, Sandeep@ Sanjay and Karan were apprehended by the police. The victim was examined where she had informed the doctor concerned that she had lost consciousness on 10.08.2022 and regained the same on 13.08.2022. Thereafter, she had found herself at Bhatinda Railway Station. During the course examination, the statement of the victim under Section 164 of Cr.P.C. was recorded. Blood samples were sent to FSL. After investigation, chargesheet was filed in this case before the concerned Court.

6. The learned counsel appearing on behalf of the applicant states that all the material witnesses have been examined in this case. It is also stated that it was a consensual relationship. It is contended that there is no scope of applicant tempering the evidence and that nothing has to be recovered in the present case. It is stated that the victim in this case had voluntarily accompanied the accused, and she had eloped out of her own will. It is argued that the victim, in her statement recorded under Section 164 of Cr.P.C., has not alleged any sexually assault committed upon her by the applicant herein. It is stated that the co-accused has already been granted bail by this Court *vide* order dated 06.03.2023. It is therefore, prayed that the applicant be released on bail.

7. *Per contra*, the learned APP for the State, contends that the victim in this case was only 16 years of age, therefore, whether she consented or not is inconsequential. It is also argued that the FSL report supports the case of the



prosecution insofar as the present accused is concerned. Therefore, it is prayed that present bail application be dismissed.

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

9. After hearing arguments and going through the case file, this Court is of the opinion that the chemical examination report revealed that no alkaloids, barbiturates and tranquilizers, ethyl or methyl alcohol was found in the biological exhibits of the victim. The victim in this case has already been examined before the learned Trial Court. The statement recorded under Section 164 of Cr.P.C. also does not reflect that the victim had alleged sexual assault by the accused herein. She had only alleged that she had lost her consciousness after consuming *Frooti* which was given by the co-accused, who has already been enlarged on bail by this Court on 06.03.2023. The present applicant has been in judicial custody since 11.09.2022.

10. Considering the overall facts and circumstance of the present case, this Court is inclined to grant regular bail to the accused/applicant on his furnishing personal bond in the sum of Rs. 15,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i. The applicant shall not leave the country without prior permission of the concerned Court.
- ii. In case of change of residential address/contact details and phone number, the applicant shall promptly inform the same to the concerned Court.
- iii. The applicant/accused will not absent himself before the



learned Trial Court;

- iv. In case of any emergency, the applicant will ensure that he will move appropriate application before the learned Trial Court in case he cannot appear.
11. Accordingly, the bail application stands disposed of.
12. The order be uploaded on the website forthwith.

JANUARY 21, 2025/zp

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any