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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3512/2025**

SUNNY

.....Petitioner

Through: Mr. Mahesh Panwar, Advocate.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP for the
State with SI Tamanna, P.S. Vasant
Vihar.
Mr. Nikhil Pillai and Mr. Athak Walia,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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05.02.2026

1. Applicant seeks regular bail in FIR No. 412/2020 dated 20.09.2020, under Sections 376D/34 IPC and Section 6 of the *Protection of Children From Sexual Offence Act, 2012*, registered at P.S. Vasant Vihar. Subsequently, in the charge-sheet, Section 506 IPC was added.
2. The case was registered on the basis of complaint made by prosecutrix, the name and identity withheld.
3. Her statement under Section 164 Cr.P.C. was recorded on 01.10.2020 in which she claimed that she had been wronged by six persons, including the applicant herein, who all were residents of her neighbourhood.
4. According to her, they all befriended her, and then called her at the residence of applicant, where she was sexually assaulted.

BAIL APPLN. 3512/2025

1



5. All such six persons were apprehended. Two of them were found to be *juveniles-in-conflict-with-law* and, therefore, their case was sent to the concerned Juvenile Justice Board.
6. I.O. is present in Court, but somehow she is not aware as to status of the abovesaid matter pertaining to the two juvenile offenders.
7. However, as far as the four adult accused are concerned, three of them are already on bail. The applicant was arrested way back on 30.09.2020 and is in continuous incarceration since then.
8. The fact, also remains, that the prosecutrix became pregnant on account of sexual assault in question, and the DNA test points out paternity of such child towards the applicant herein.
9. All the public witnesses, including the prosecutrix, have already been examined.
10. The bail has been opposed by the learned APP for the State, as well as learned counsel for complainant. They contend that, though, the period of incarceration is on higher side, keeping in mind the seriousness of the matter and gravity of offence, the applicant is not entitled to concession of bail.
11. The victim was, reportedly, 13 years of age at the relevant time of incident when she was subjected to sexual assault in question. Learned counsel for the applicant strongly relies upon one observation appearing in order dated 29.06.2021, whereby his one co-accused was enlarged on bail and in that order, while referring to status report, it is mentioned that when the prosecutrix had made statement to the police, she had claimed that she was in relationship with the applicant, who had promised to marry her but had refused later on.
12. Admittedly, as per the facts placed on record, prosecutrix had



consumed phenyl, out of anger. Fortunately, it did not prove fatal.

13. The testimony of the prosecutrix, her mother and brother has been placed on record by the prosecution, in which they have denied there being any love relationship between prosecutrix and applicant.

14. The Nominal Roll is on record which shows the present age of the applicant as 31 years, with no prior involvement of any nature whatsoever.

15. As already noticed, the co-accused, are also facing similar allegation of gang-rape, are already on bail.

16. There are 23 witnesses in all, and so far, the prosecution has been able to examine only four witnesses. Therefore, the trial is not likely to conclude in near future.

17. Keeping in mind the overall facts and long incarceration period, young age of the applicant and his previous clean antecedents, without expressing any opinion on the merits of the case, the applicant is directed to be released on bail on his furnishing personal bond in a sum of Rs. 25,000/- with two sureties of like amount, subject to the satisfaction of learned Trial Court/CMM/Duty Magistrate with following conditions:-

i. The applicant would provide his Mobile Number to the concerned I.O and would ensure that such Mobile Number remains active and operational, till the disposal of the case by the learned Trial Court.

ii. The applicant would not try to come in contact of complainant and her family members, directly or indirectly.

iii. The applicant would report to the concerned SHO/IO of P.S. Vasant Vihar, every first Sunday of every calendar month at 10:00 A.M.

18. The application stands disposed of in aforesaid terms.

19. A copy of this Order be immediately sent to the learned Trial Court and



Jail Superintendent for information and necessary compliance.

MANOJ JAIN, J

FEBRUARY 5, 2026/ss/sa

BAIL APPLN. 3512/2025

4

This is a digitally signed order.

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