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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 3690/2025

RAJESH SONI

.....Petitioner

Through: Dr. M.P. Singh, Advocate with Ms.
Poorna, Advocate.

versus

THE STATE GOVT OF NCT DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
W/SI Sangeeta and SI Lal Chand,
P.S.: S.B. Dairy.
Dr. T.R. Naval, Counsel for DHLA
with Mr. Musheer Khan and Mr.
Abhishek Naval, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

04.05.2026

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By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks regular bail in case FIR No. 701/2023 dated 26.07.2023 registered under section 376 of the Indian Penal Code, 1860 and section 6 of the Prevention of Children from Sexual Offences Act, 2012 at P.S.: Shahbad Dairy, Outer North (Delhi).

2. Notice on the petition was issued *vidé* order dated 24.09.2025.
3. Nominal Roll dated 09.03.2026 and Status Report under the cover of Index dated 19.11.2025 has been filed.
4. The court has heard Dr. M.P. Singh, learned legal aid counsel appearing for the petitioner as well as Ms. Shubhi Gupta, learned APP appearing for the State and Dr. T.R. Naval, learned counsel appearing on behalf of the prosecutrix.



5. Dr. Singh has pointed-out the contradictions in the statement given by the prosecutrix under section 161 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') that culminated in the registration of the subject FIR and in her statement recorded under section 164 of the Cr.P.C. as well as a subsequent statement recorded under section 161 of the Cr.P.C., which forms a part of the chargesheet.
6. Dr. Singh has also pointed-out that MLC conducted did not disclose any injury on the prosecutrix.
7. Learned counsel further submits, that the prosecutrix has also stated in the course of her cross examination that at the time when the petitioner is alleged to have committed the offence upon her, the petitioner's wife was also present at home.
8. Ms. Gupta, learned APP for the State submits, that these contradictions are a matter to be appreciated in the course of trial, especially since the supposed contradictions between the statements of prosecutrix have not been put to her in the course of her court testimony.
9. Most importantly Ms. Gupta, submits, that the prosecution evidence in the matter stands concluded; and the matter is next listed before the learned trial court for recording the statement of the petitioner under section 313 of the Cr.P.C. Learned APP submits, that considering that the petitioner has been in Judicial Custody as an undertrial for just about 02 years and 09 months, it cannot be said that the trial in the matter is not proceeding with due expedition.
10. Furthermore, learned APP submits, that any observation made by this court in the present bail proceedings, in relation to the evidence that



has come on record, would definitely influence the outcome of the trial, which is not desirable.

11. Dr. T.R. Naval, learned counsel for the prosecutrix has adopted the submissions made on behalf of the State, further adding that the supposed contradictions between the various statements of the prosecutrix are immaterial.
12. Upon a conspectus of the submissions made, the main consideration that weighs with this court is that trial in the matter is at a very advanced stage and the statement of petitioner under section 313 of the Cr.P.C. is now to be recorded.
13. Furthermore, there is merit in the submissions made by the learned APP that any observation that this court makes regarding the statements of the prosecutrix recorded under sections 161 and 164 of the Cr.P.C. are likely to influence the course of the trial.
14. In the circumstances, this court is persuaded to dispose-of the present petition without granting to the petitioner bail *at this stage*, only urging the learned trial court to conclude the trial as expeditiously as possible, without granting to any of the parties an adjournment, unless found necessary.
15. The petition is accordingly disposed-of.
16. Pending applications, if any, disposed-of.

ANUP JAIRAM BHAMBHANI, J

MAY 4, 2026/hb