



\$~1

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

+ **BAIL APPLN. 4015/2025**

AMARJEET PANDEY

.....Applicant

Through: Ms. Tahini Bhushan and Mr.
Shikhar Singh, Advs.

Versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP with
Ms. Upasna Bakshi, Ms. Divya
Bakshi and Mr. Gourav Singh,
Advocates with SI- Bharti, PS:
Jaffarpur SI- Vijay Kr., PS: Dwarka
North
Mr. Vipul Rana and Ms. Shilpi
Yadav, Advs. for Victim

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
22.04.2026

%

1. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of regular bail in FIR bearing no.404/2024 dated 29.08.2024, registered at PS: Dwarka North District, Delhi for the commission of offences punishable under *Sections 64(1)/35(2)* of the Bharatiya Nyaya Sanhita, 2023 (**BNS**) and *Section 6* of the Protection of Children from Sexual Offences Act, 2012 (**POCSO Act**).



2. *Briefly put*, as per the prosecution the aforesaid FIR came to be registered on 28.08.2024 on the written complaint of the prosecutrix, wherein she alleged that her neighbor, the applicant used to pursue her to talk as also touched her with bad intentions. She alleged that on 24.08.2024 at around 02:00 AM, the applicant entered her house and forcibly established physical relations with her against her will and thereafter left the house threatening her not to disclose the said incident to anyone.

3. During investigation, in her statement under *Section 183* of the BNSS the prosecutrix corroborated the allegations made in the FIR. Her age-proof document was also obtained from her School which established her as a minor of *16 years old*. Also, the CCTV footage of the house was also obtained from the house owner, analysis whereof revealed that the applicant entered the house of the victim at 02:42 AM and left the house at 04:16 AM.

4. Subsequently, the applicant was arrested on 03.09.2024.

5. Learned counsel for the applicant has handed over a copy written synopsis, which taken on record. Relying on the same and praying for enlargement of the applicant on regular bail, he submits that *[i]* the prosecution case is rigged with material contradictions; *[ii]* there is a delay of *four days* in registering the FIR; *[iii]* the CCTV footage installed in the house shows that the prosecutrix herself accompanied the applicant to the hall while he was leaving; *[iv]* the prosecutrix did not raise any alarm during the alleged incident, nor did she suffer from any injury and none of her clothes were torn; *[v]* the prosecutrix herself has admitted that her younger sister was sleeping on the same bed throughout the alleged



incident, however, despite thereto neither the statement of the sister has been recorded nor she is the part of witness in the trial; **[vi]** the prosecutrix had introduced new fact which were missing in the initial complaint and such improvement having been introduced at the belated stage clearly indicates afterthought and embellishment; **[vii]** the applicant is in custody since 03.09.2024 and continued incarceration of the applicant at this stage would amount to pre-trial punishment and would be violative of his fundamental right under *Article 21* of the Constitution of India; **[viii]** the applicant has deep roots in the Society and is not a flight risk and undertakes to abide by all condition that may be imposed by this Court.

6. *Per contra*, learned APP for State, relying upon the Status Report, opposed the grant of bail and submits that **[i]** the nature of offence alleged is grave and heinous; **[ii]** the prosecutrix, all throughout, has supported the case of the prosecution; **[iii]** the CCTV footage clearly captures the applicant entering the house of the prosecutrix at 02:42AM and leaving the same at 04:16AM; **[iv]** there exists reasonable apprehension that if the applicant is granted bail, he may jump the bail.

7. Learned counsel for the complainant has handed over a written synopsis, which is taken on record. Relying thereon, in addition to the submission made by the learned APP for the State, he submits that **[i]** the applicant was known to the family of the prosecutrix, and used to visit their house regularly for the purpose of giving tuition to her, and has misused his position of trust; **[ii]** the applicant and his family members, even after the registration of the FIR, have continued to influence and intimidate the prosecutrix and her family through personal visits, repeated telephone calls, and WhatsApp communications.



8. Heard learned counsel for the parties and perused the records.
9. The allegations levelled against the applicant are grave and serious in nature. He is alleged to have committed repeated sexual assaults upon the victim/ a minor girl of sixteen-year-old, and that too whence he was in a position of trust entrusted for giving her tuition, as also in the very own house of the victim during night hours as the CCTV footage collected during investigation records his ingress in the victim's house at about 02:42 AM and leaving therefrom at about 04:16AM.
10. Considering the applicant is residing in the same vicinity as that of the victim, there are chances of her tampering the evidence by overpowering the witnesses and/ or coercing her and/ or family members with undue pressure.
11. Also, the proceedings before the learned Trial Court are still at the stage whence the material witnesses are yet to be examined.
12. Insofar as the contentions regarding the delay in registration of the FIR, absence of injuries, alleged contradictions/ improvements in the statement of the prosecutrix, and such more, being matters of trial are based on evidence.
13. Regarding the period of incarceration of nearly *18 months* faced by the applicant, considering the acts and the offences involved under *Section 64* of the BNS and *Section 6* of the POCSO Act which are punishable with imprisonment for life or even with death, relying upon the dicta passed by Hon'ble Supreme Court in ***State of U.P. v. Amarmani Tripathi : (2005) 8 SCC 21***, the same is not a contention which can be heeded to while granting to the applicant herein.
14. *Ergo*, the present bail application is dismissed.



15. Needless to say, since the expression of opinion, if any, are for the purposes of adjudicating the present application only, they have no bearing on the overall merits/ trial involved.

SAURABH BANERJEE, J

APRIL 22, 2026/So