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

+ **BAIL APPLN. 4751/2025**

UMA LAL @RAVI @HITALAR

.....Applicant

Through: **Ms. Shaik Ameena Rehamani, Adv.**

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: **Mr. Satish Kumar, APP with Mr. Aditya Vikram Singh, Ms. Upasana Bakshi and Ms. Divya Bakshi, Advs. with W/SI Vidya, PS.: New Delhi Railway Station**
Father of the complainant/ victim (through VC)

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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09.04.2026

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.46/2021, registered at Police Station New Delhi Railway Station, Delhi under *Sections 376(2)(J)/376(2)(K)/392/342/506/34* of the Indian Penal Code, 1860 (**IPC**) and *Section 6* of the Protection of Children from Sexual Offences Act, 2012 (**POCSO Act**).

2. The father of the complainant present through video conferencing submits that the complainant is unable to appear as she has already been married and he does not wish to engage any counsel.



3. *Briefly stated*, as per the prosecution, the present FIR came to be registered on the complaint of the prosecutrix, wherein she alleged that she had developed friendship with one child in conflict with law (**juvenile**) as also had a physical relations with him. On 26.08.2021, both the prosecutrix as well as the juvenile with the intention of marrying each other left their village and reached New Delhi Railway Station on 27.08.2021, where they met the co-accused Sajjan Mahto, an auto-driver, who offered to arrange work for them and had taken them in his auto, where the present applicant and two women with children were also present. It is alleged that after dropping the other passengers, the applicant and co-accused Sajjan Mahto took the prosecutrix and the juvenile to the applicant's father-in-law house, where the juvenile had physical relations with the prosecutrix. Thereafter, later in the night both accused persons took them to a secluded area near Narela, where the present applicant allegedly committed forcible sexual intercourse with the prosecutrix in a park, while the co-accused Sajjan Mahto wrongfully confined the juvenile in the auto. Thereafter, both accused persons dropped the prosecutrix and the juvenile back at New Delhi Railway Station after threatening them not to disclose the incident. During the course of investigation, the present applicant was arrested on 30.08.2021 and since then is under custody.

4. In these facts, learned counsel for the applicant praying for release of the applicant on regular bail submits that **[i]** the applicant was not involved in the commission of the alleged offence and has been falsely implicated in the present case; **[ii]** even though the applicant was arrested on 30.08.2021, all the articles including the clothes of the applicant were sent for the Forensic Science Laboratory (**FSL**) report only after a delay of



seventeen days; [iii] the applicant is under judicial custody since last *four and half years*, wherein his conduct is stated to be ‘*satisfactory*’; and lastly [iv] co-accused Sajjan Mahto has already been granted bail by this Court.

5. *Per contra*, learned APP for the State relying upon two Status Reports filed submits that [i] the allegations in the present case are serious in nature; [ii] the FSL Report dated 06.02.2023 corroborates version of prosecutrix inasmuch as it has been recorded therein that “...*The male DNA profile generated from the source of exhibit ‘P-3b’ (Underwear of victim) is found to be matching with the DNA profile generated from the source of exhibit ‘A-3’ (Blood sample of accused Umalal).*”; [iii] though the applicant had refused for Test Identification Parade (*TIP*), the prosecutrix nevertheless identified him on the basis of photograph as one who had committed rape upon her; and [iv] there exists a strong likelihood of the applicant absconding or otherwise evading the process of law.

6. Heard learned counsel for the parties as also gone through the records.

7. *Prima facie*, having regard to the overall facts and circumstances, this Court is not convinced with the submissions made by the learned counsel for the applicant, especially since the allegations against the applicant are grave and serious in nature inasmuch as the applicant had *inter alia* committed aggravated penetrative sexual assault upon the prosecutrix, a minor of *14 years*. Relevantly, the prosecutrix despite being of such tender age has, at all material stages, consistently supported the case of prosecution, be it in her complaint to the police, her statement recorded under *Section 164 CrPC* or in her testimony before the learned Trial Court as also have positively identified the applicant whence shown



his photograph. That apart, the FSL Report also indicates that the DNA profile generated from the undergarment of the prosecutrix matches with the DNA profile of the applicant, and any lapse/ delay, if any, in forwarding the articles to the FSL is a matter to be examined during trial and cannot come into the benefit of the applicant at this stage. Further, the conduct of the applicant regarding refusal to participate in TIP is also another factor which sways this Court for declining any relief to the applicant at this stage.

8. Lastly, considering the heinousness of the offences involved, the relief of bail cannot be granted merely on the ground that the applicant is under custody since last four and half years [***X v. State of Rajasthan: 2024 SCC OnLine SC 3539***]. Even otherwise, the trial is already at the advance stage with 27 out of 30 prosecution witnesses having been examined and is most likely to be concluded in the near future.

9. *Ergo*, in view of the aforesaid discussion, the present regular bail application is dismissed.

10. Needless to say, the expression of opinion herein, if any, will have no bearing on the overall merits/ trial involved later

SAURABH BANERJEE, J

APRIL 9, 2026/bh