



2025:DHC:6324



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

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Date of Decision: 01.08.2025+ **BAIL APPLN. 623/2024**

PRADEEP @ PIDDI

.....Petitioner

Through: Mr. Hemant Kumar, Advocate

versus

STATE OF (GNCT) NEW DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with ACP K.P. Malik and SI Bharat
Singh, PS Uttam Nagar
Mr. Vishesh Wadhwa and Ms.
Swadha Gupta, Advocates for
complainant *de facto*

CORAM: JUSTICE GIRISH KATHPALIA**J U D G M E N T (ORAL)**

1. Petitioner seeks regular bail in case FIR No. 363/2016 of PS Uttam Nagar for offence under Section 302/363/201 IPC & Section 6 POCSO Act. Today is the first hearing before this Bench. I have heard learned counsel for accused/applicant and learned Additional Public Prosecutor (APP) as well as learned counsel for complainant *de facto*.

2. Broadly speaking, the prosecution case is as follows. On 06.04.2016, FIR No. 363/2016 was registered at PS Uttam Nagar on the statement of Shri Dharshan Singh, a labourer, reporting that his eight year old daughter,



namely R, who was playing outside the house around 05:30pm, did not return home and despite efforts they could not search her out, and it appears that she has been kidnapped by someone. In the said FIR, the complainant *de facto* also mentioned the physical description and clothes worn by the girl child. In the course of investigation, one Sunil informed the police having seen R with her cousin, the accused/applicant, near the gate of stadium at about 07:00pm on the same day. The Investigating Officer interrogated the accused/applicant, but he denied his involvement. On 07.04.2016, DD No. 34A was recorded at PS Uttam Nagar regarding discovery of dead body of a girl child behind the cremation ground of Kali Basti, Uttam Nagar. The dead body was identified by the complainant *de facto* as his daughter R. The post-mortem of the deceased child reflected death by strangulation. During further investigation, the accused/applicant absconded from his house and was later arrested. The forensic examination of the clothes of the deceased girl and the accused/applicant as well as the vaginal swab of the deceased girl reflected the DNA of the accused/applicant on all those exhibits. According to the investigation, the accused/applicant, after committing rape, strangled the deceased girl and hid the dead body in a plastic bag in a pit. After completion of investigation, the local police filed a chargesheet against the accused/applicant for offences under Section 363/302/201 IPC and Section 6 POCSO Act.

3. Learned counsel for accused/applicant contends that the accused/applicant was falsely implicated in this case under public pressure and glare of media trial, otherwise why would the accused/applicant, after



dumping the body in the plastic bag, go back to the spot and shift the dead body to the muddy pit after taking it out of the bag. Learned counsel for accused/applicant also refers to the post-mortem report to argue that there is doubt as regards the time of death. Further, it is contended by the learned counsel for accused/applicant that the entire autopsy was carried out within one hour, which creates doubt over its correctness. Lastly, it is argued that the accused/applicant has been in jail for past about 09 years and 04 months and cannot be confined indefinitely.

4. On the other hand, the learned prosecutor contends that there is no delay in trial insofar as despite Covid lockdown and repeated transfers of trial, out of 20 prosecution witnesses four have already been examined and all of them have supported prosecution. It is further submitted by the learned APP that PW1 Sunil has testified the circumstances of last seen. Prosecution also refers to the DNA profiling, which reflected DNA of the accused/applicant on vaginal swab of the deceased girl as well as on clothes of both the deceased girl and the accused/applicant.

5. Learned counsel for complainant *de facto* refers to the testimony of PW1 Sunil, who stated on oath that the family members of the accused/applicant have been threatening him.

6. In rebuttal, learned counsel for accused/applicant contends that now that Sunil has been examined, there is no scope of any threat to him. Further, it is submitted by learned counsel for accused/applicant that despite



having been informed about the identity of the accused/applicant, father of the deceased girl did not name him in the FIR.

7. Of course, prolonged incarceration is certainly a ground to release the accused on bail. But that is not the solitary ground. The Court has to keep in mind various judicially sanctified parameters, including the nature and gravity of the alleged crime and the material on record to support the same.

8. At the stage of bail, the Court cannot minutely examine the evidence on record. The broad picture recorded above shows the gruesome manner in which an eight year old girl was raped and killed, that too by her own cousin. Merely because there was public outcry and media coverage of the incident, gravity of offence does not get diminished.

9. The offence under Section 6 POCSO Act is punishable with rigorous imprisonment for a term which shall not be less than 20 years but which may extend to imprisonment for life. The provision under Section 6 POCSO Act not just fixes the minimum punishment as rigorous imprisonment for 20 years, but further stipulates that life imprisonment shall mean imprisonment for the remainder of natural life of the convict. Of course, the other offence being under Section 302 IPC is punishable with death as well.

10. It is not just the grave consequences of the offences alleged against the accused/applicant. One also cannot ignore that a relationship of trust between the cousins was exploited by the accused/applicant and in such



2025:DHC:6324



brutal manner.

11. Considering the above circumstances, I do not find it a fit case at all to release the accused/applicant on bail. The bail application is dismissed.

12. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 1, 2025/as