



2025:DHC:5403



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

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*Date of Decision: 09.07.2025*

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**BAIL APPLN. 2448/2025 & CRL.M.A. 19290/2025**

RINKU

.....Petitioner

Through: Mr. Pratap Ranjan Sahani and Mr.  
Monoranjan Padhi, Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for State.

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

1. The accused/applicant seeks regular bail in case FIR No. 344/2023 of PS Nabi Karim for offences under Section 323/342/377/365/367/506/34 IPC and 67A IT Act. Broadly speaking, the allegation against the accused/applicant is that along with his four accomplices (*out of whom one has absconded while others are in jail*), he abducted the victim and after taking off his clothes, beat him up; and thereafter they committed sodomy on the victim and also inserted penis of one of the assailants forcibly in his mouth while filming the entire assault. The video clicked by the accused persons was circulated by them on the social media.



2. Learned counsel for accused/applicant submits that the accused/applicant was not named in the first complaint sent by the victim to the Chief Justice of India. It is further submitted that the victim in his testimony before the trial court has not supported the prosecution case. Lastly, it is argued that for “creation of defence”, the accused/applicant has to come out of jail, so he may be granted bail.

3. Learned APP accepts notice and strongly opposes the bail application in view of the nature of allegations and one of the accused persons having absconded.

4. As regards the victim having not supported the prosecution, the IO has shown me the video clip of the crime. The said video clip, forming part of the chargesheet, would be proved during the trial. But in view of the said clip, it cannot be ruled out that the accused/applicant has pressurized or otherwise won over the victim. Releasing such an accused on bail would not be appropriate.

5. So far as the plea of “creation of defence” is concerned, the plea has been recorded only to be rejected. For, this way every accused would have to be released on bail irrespective of the gravity of crime and other parameters on which the grant or denial of bail has to be tested.



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6. In view of the aforesaid, I do not find it a fit case to release the accused/applicant on bail. The bail application is dismissed. Pending application stands disposed of.

7. Of course, nothing observed herein shall be kept in mind by the trial court at the time of the final decision.

**GIRISH KATHPALIA  
(JUDGE)**

**JULY 9, 2025/ry**