



2026:DHC:2015



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

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*Date of Decision: 11.03.2026*

+ **BAIL APPLN. 3169/2024**

SHAMBHU SHAH THROUGH PAROKAR .....Petitioner

Through: Mr. Shannu Baghel, Advocate.

versus

STATE OF NCT OF DELHI & ANR. ....Respondents

Through: Mr. Nawal Kishore Jha, APP for State  
with SI Nikita.

**CORAM: JUSTICE GIRISH KATHPALIA**

**J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 213/2022 of PS Bhajanpura for offence under Section 323/376/506 IPC and 06 POCSO Act.

2. At the outset in view of order dated 19.01.2026 (*whereby at request of the accused/applicant, his surrender was extended to 09:00pm of 20.01.2026*), in response to a query as to whether the accused/applicant surrendered accordingly, the learned counsel for accused/applicant stated that the accused/applicant has surrendered. But the IO/SI Nikita informs that the accused/applicant surrendered on 26.02.2026. It is indeed shocking that



the accused/applicant violated his specific undertaking before the predecessor bench that he would surrender by 20.01.2026.

3. Considering the aforesaid, learned counsel for accused/applicant seeks permission to withdraw this bail application with liberty to file afresh. But in view of above conduct of the accused/applicant, I find no reason to permit any liberty. More so, because this bail application was for the first time heard by the predecessor bench on 03.09.2024 and thereafter, the matter remained pending before different benches and was finally transferred to this bench along with 179 such old pending bail applications. Today is the first hearing before this bench.

4. In the above backdrop learned counsel for accused/applicant argues that there are vital contradictions between the testimony of the mother of the prosecutrix and her statement recorded under Section 164 CrPC. It is also contended that the accused/applicant was not even present in his room when the alleged offence took place.

5. Broadly speaking, the allegation against the accused/applicant is that being a neighbour of the prosecutrix, who is aged hardly 05 years, the accused/applicant took her along to his room and raped her. The prosecutrix informed her mother and immediately FIR was got registered.

6. Considering the above circumstances, especially the gravity of offence coupled with the fact that the accused/applicant cannot be trusted



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with when it comes to his joining the trial if released on bail, I do not find it a fit case to grant any indulgence. Therefore, the bail application is dismissed.

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

8. At this stage, learned counsel for accused/applicant contends that the FSL report does not mention that DNA of the accused/applicant was found in the clothes of the prosecutrix. In view of specific allegation that the prosecutrix aged about 05 years came out, bleeding from her private parts and narrated the incident to her mother, which was recorded in the FIR, non detection of DNA is not that significant for present purposes as tried to be projected.

9. It is also submitted by learned counsel for accused/applicant that the prosecutrix and her mother are not appearing before the trial court. For that the trial court would obviously take appropriate action.

**GIRISH KATHPALIA  
(JUDGE)**

**MARCH 11, 2026/ry**