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

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Date of Decision: 23.07.2025

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BAIL APPLN. 2712/2025 & CRL.M.A. 21123/2025**SATYENDER SRIVASTAV**

.....Petitioner

Through: Ms. Rishina Parashar, Advocate.

versus

STATE (GOVT OF NCT), DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for State with
SI Kusum and IO/SI Rita**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 379/2019 of PS KNK Marg for offences under Section 363 /376 /323 /342 /373 /420 /468 /471 IPC and Section 6 of POSCO Act.

2. Broadly speaking, the prosecution case is as follows. The prosecutrix, minor in age was sitting in a park, upset with the quarrel between her parents, and she was approached by one Ms. Mithlesh, who offered to take her home for some time. Once taken to the home of Ms. Mithlesh, the prosecutrix was detained forcibly and further forced into prostitution by Mithlesh. The accused/applicant is allegedly one such customer, who forcibly committed sexual intercourse with the minor prosecutrix. Subsequently, one Mukesh who suffers 70% physical disability helped the prosecutrix escape from the house of Ms. Mithlesh.



3. It is submitted by learned counsel for accused/applicant that this is a fit case to grant bail to the accused/applicant as the prosecution evidence is not likely to lead to conviction. Irrespective of the case set up by the accused/applicant before this court and before the Court of Sessions, learned counsel for accused/applicant clearly states that she is not claiming parity with Mukesh, who has been granted bail. Further, learned counsel for accused/applicant submits that testimony of the prosecutrix and other witnesses recorded during trial bear a number of discrepancies and contradictions with their statements under Section 161 CrPC, Section 164 CrPC and MLC.

4. On the other hand, learned APP points out that earlier also a coordinate bench of this court had dismissed the bail application of the accused/applicant, which order was confirmed by the Hon'ble Supreme Court dismissing the Special Leave Petition.

5. So far as the alleged contradictions in the testimony of prosecutrix and other witnesses is concerned, legal position is well settled that at the stage of considering bail, the court cannot minutely examine the evidence on record. That has to be done at the stage of final arguments before the trial court. Any observation of this court at the stage of considering bail application would be overstepping into the jurisdiction assigned to the trial court by law.



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6. Most significantly, it appears from testimony of PW-3, mother of the prosecutrix that during pendency of trial, counsel for the accused/applicant visited the residence of the prosecutrix with the offer to pay money for withdrawing the prosecution, but mother of the prosecutrix rejected the offer, stating that they do not want any money but only justice.

7. Considering the above circumstances, I do not find it a fit case to release the accused/applicant on bail. The bail application as well as the accompanying application are dismissed.

**GIRISH KATHPALIA
(JUDGE)**

JULY 23, 2025/ry