



2025:DHC:7271



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 25.08.2025*+ **BAIL APPLN. 3234/2025 & CRL.M.A. 25061/2025**

RAM KUMAR

.....Petitioner

Through: Mr. Anilendra Pandey and Mr.
Kamlesh Upadhyay, Advocates

versus

STATE OF NCT DELHI & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP for State with
SI Garima, PS Bawana**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks anticipatory bail in case FIR No. 758/2023 of PS Bawana for offence under Section 354/506 IPC & Section 08 of POCSO Act.
2. Learned APP accepts notice and submits that it is not a fit case at all to grant anticipatory bail in view of the nature of allegations against the accused/applicant.
3. I have heard learned counsel for accused/applicant and learned APP, who has also shown me the investigation file containing statement under



Section 164 CrPC of the prosecutrix.

4. Broadly speaking, the case set up by prosecution through the statement of 10 year old prosecutrix is that whenever she used to visit the grocery shop, the accused/applicant running that shop used to misbehave with her and touched her private parts. The prosecutrix further alleged that the accused/applicant threatened to defame her if she complained before her parents about his conduct. Subsequently, the accused/applicant started insisting upon her to keep visiting him, otherwise he would circulate her video. It is at that stage that the prosecutrix revealed the issue before her parents, who called the police.

5. Learned counsel for accused/applicant submits that the complaint is totally false as the accused/applicant had simply touched her. It is also argued that it is the prosecutrix who had committed theft in the shop of the accused/applicant, which incident was also captured in the CCTV footage, but the said footage is no more available. Learned counsel for accused/applicant also argues that the complaint being belated one, cannot be believed.

6. On the other hand, learned prosecutor strongly opposes the anticipatory bail application, taking me through the statement under Section 164 CrPC of the prosecutrix in which she has further elaborated the alleged acts of molestation.

7. At the outset, I find the argument completely insensitive that the



accused/applicant “simply touched” the prosecutrix. A girl aged 10 years is wise enough to understand ‘good touch’ or ‘bad touch’. Such ‘bad touch’ at such tender age travels long with the victim. The abrogation is not just of her body, but her spirit as well. Such a victim would for very long not be able to trust anyone. So, it is not a matter of touching the girl “simply”. As mentioned above, the accused/applicant allegedly touched her private parts with bad intentions according to the FIR, which touch has been further explained by her in her statement under Section 164 CrPC.

8. Merely because the complaint was delayed by about one month, it cannot be thrown out. One cannot ignore the nature of wrong done, that too, to a girl of tender age. It is only when it became unbearable, as the accused/applicant repeatedly compelled her to visit him under the threat of circulating her video that she confided in her parents.

9. Then comes the issue of the alleged theft committed by the prosecutrix in the shop of the accused/applicant. There is nothing to explain as to why the accused/applicant did not take any action, be it by lodging police complaint or even reporting the matter to parents of the prosecutrix when the alleged theft was committed. Quite interestingly, the accused/applicant claims that the alleged theft was captured in CCTV footage, but that footage has now got deleted. It remains unexplained as to why the accused/applicant would not keep a copy of the alleged footage.

10. Lastly, courts have to be very sensitive in such issues. The principle that bail is rule and jail is exception does not extend to anticipatory bail.



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Granting anticipatory bail in such a case would send quite obnoxious signals across the society that after committing such crime against a girl child, one can go scot free.

11. I do not find this case fit to grant anticipatory bail. Therefore, the anticipatory bail application is dismissed.

12. Pending application also stands disposed of.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 25, 2025/as