



2025:DHC:6874



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

Reserved on: 30.07.2025
Date of Decision: 14.08.2025

+ **BAIL APPLN. 2283/2025 & CRL.M.A. 22041/2025 & CRL.M.(BAIL) 1473/2025**

RAVINDER SONI

.....Petitioner

Through: Mr. Anubhav Tyagi,
Mr. Kuldeep Jauhari, Mr. Sahil Ahuja,
Mr. Puneet Singh and Mr. Chetan, Adv.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Raghuinder Verma, APP
for State with Mr. Aditya Vikram Singh,
Adv. for State
SI Anjali Rathi, DIU/C and SI Neelsee, P.S.
Nabi Karim
Mr. Samarth Bhutani, Adv. for victim

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ seeking regular bail in connection with FIR No. 154/2025, registered under Sections 74 and 75 of the Bharatiya Nyaya Sanhita, 2023², and Section 4 of the Protection of Children from Sexual Offences Act, 2012³ at Police Station Nabi Karim.

¹Hereinafter "BNSS"

²Hereinafter "BNS"



2025:DHC:6874



2. The case of the prosecution, as borne out from the FIR, is that on 06.02.2025, the aforementioned FIR was registered on the basis of the statement of the prosecutrix/victim. In her statement, she alleged that on 02.02.2025, she had gone to the market along with her sister, where at a shop, the petitioner allegedly inserted his finger in her anal region, touched her inappropriately from behind, and made obscene gestures. Subsequently, on 06.02.2025, the victim, along with her mother, located and identified the petitioner, whereupon she narrated the incident to her mother. The mother of the victim/prosecutrix is stated to have slapped the petitioner and called the PCR. Thereafter, an FIR was registered and the matter was entrusted to Sub-Inspector Shruti Dubey. The petitioner/accused was taken into custody on 07.02.2025.

3. On 07.02.2025, the statement of the prosecutrix was recorded before the learned Judicial Magistrate First Class, Digital Court-04(NI Act), Central, Delhi under Section 183 of BNSS.

4. Thereafter, the petitioner moved an application seeking regular bail before the learned ASJ, FTSC (POCSO)-02, Central, Tis Hazari Court, Delhi in SC No. 229/2025. The petitioner's first and second regular bail applications were dismissed *vide* orders dated 02.05.2025 and 06.05.2025, respectively. Subsequently, the third bail application was also dismissed by the learned ASJ, FTSC (POCSO)-01, Central, Tis Hazari Courts, Delhi, wherein the following order dated 20.05.2025 was passed:

“In the present case, the allegations against the accused are very serious in nature. Bail of the accused on merits has already been dismissed twice. The decisions relied by the Ld. Counsel for

³Hereinafter “POCSO”



2025:DHC:6874



accused is distinguished on the ground that present case pertains to POCSO Act and Ld. JMFC was satisfied with the reasons and grounds of arrest of the accused at the time of first production of accused before the Court. Moreover, question regarding necessity of furnishing ground of arrest in all cases is pending consideration before the *Hon'ble Supreme Court of India*.

Thus, in view of the above stated reasons, considering the gravity of offence, seriousness of the allegations levelled against the applicant/accused and strong opposition by the victim, this court is not inclined to enlarge the applicant/accused on bail at this stage. Accordingly, the present bail application stands **dismissed and disposed off**.

Needless to say, the above mentioned observations are based solely on the facts as alleged, and brought forth at this juncture, and are not finding on merits, and would also have no bearing on the merits of the case.”

5. Chargesheet has already been filed in the aforementioned FIR, however, the examination of the prosecutrix is still pending.
6. Learned counsel appearing on behalf of the petitioner, while pressing for bail, at the outset, submitted that the petitioner has been falsely implicated as a retaliatory measure for his prior whistleblowing against local police officials of PS Nabi Karim.
7. It is urged that there is an inordinate delay of five days in lodging the FIR, undermining its credibility.
8. It is contended that the FIR does not disclose the ingredients of Section 4 POCSO Act, and at most, may attract Section 7 or 8 of POCSO Act.
9. The CCTV footage placed on record, Mr. Anubhav Tyagi states, establishes the petitioner's presence at home at the relevant time, while no footage from the place of occurrence has been produced by the prosecution. It is further submitted that Call Detail



2025:DHC:6874



Records⁴ have also not been obtained, nor has any ossification test been conducted to determine the prosecutrix's age.

10. The counsel points to contradictions in the prosecutrix's statements regarding the place of occurrence, and asserts that the grounds of arrest were not furnished in writing, rendering the arrest illegal.

11. *Per contra*, the learned APP for the State, Mr. Raghuinder Verma along with Mr. Aditya Vikram Singh, have argued on the lines of the Status Report and vehemently opposed the grant of bail, submitting that the allegations involve a minor and are grave in nature. The petitioner, declared a Bad Character of the area, has criminal antecedents, including a pending case in Hapur, Uttar Pradesh (FIR No. 217/2018) registered under Section 376, 506 of the Indian Penal Code, 1908, indicating a propensity to reoffend.

12. It is contended that the petitioner failed to comply with the Trial Court's direction to hand over the Digital Video Recorder⁵ of the alleged CCTV footage despite repeated notices even by the Investigating Officer, showing non-cooperation and suppression of material evidence. The petitioner allegedly fled when police attempted to apprehend him, suggesting a guilty conscience and risk of evading proceedings.

13. The State disputes the authenticity of the petitioner's alleged prior complaint of false implication, noting the absence of official acknowledgement and that only one complaint dated 15.02.2025 is on record. Allegations of threats to the prosecutrix are also cited, with

⁴ Hereinafter "CDR"

⁵ Hereinafter "DVR"



2025:DHC:6874



concerns that release on bail would endanger her safety and mental well-being, thereby affecting the fairness of trial.

14. In view of the above, it is submitted that the petitioner does not deserve to be enlarged on bail and that his continued incarceration is warranted in the facts and circumstances of the case.

15. I have heard the learned counsel for the petitioner, as well as, the learned APP for the State and have perused the record.

16. Before adverting to the case at hand, this Court deems it apposite to observe that while adjudicating matters involving allegations of sexual offences, particularly those concerning children or women, the Court is enjoined to exercise a heightened degree of caution, sensitivity, and circumspection. Incidents of sexual violence, especially against minors, strike at the very core of individual dignity and bodily autonomy, often leaving lasting scars on the psychological, emotional, and social-wellbeing of the victim. The harm caused is not merely personal but carries implications for the moral fabric of society at large.

17. In such cases, while considering the prayer for bail, the Court must strike a delicate balance between the fundamental right of the accused to personal liberty and the paramount interest of the victim and society in ensuring justice and accountability.

18. The POCSO Act is designed to safeguard the interest of children, as is evident from its Preamble, which reads thus:

“An Act to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto.

WHEREAS clause (3) of article 15 of the Constitution,



2025:DHC:6874



inter alia, empowers the State to make special provisions for children;

AND WHEREAS, the Government of India has acceded on the 11th December, 1992 to the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations, which has prescribed a set of standards to be followed by all State parties in securing the best interests of the child;

AND WHEREAS it is necessary for the proper development of the child that his or her right to privacy and confidentiality be protected and respected by every person by all means and through all stages of a judicial process involving the child;

AND WHEREAS it is imperative that the law operates in a manner that the best interest and well being of the child are regarded as being of paramount importance at every stage, to ensure the healthy physical, emotional, intellectual and social development of the child;

AND WHEREAS the State parties to the Convention on the Rights of the Child are required to undertake all appropriate national, bilateral and multilateral measures to prevent— (a)the inducement or coercion of a child to engage in any unlawful sexual activity; (b)the exploitative use of children in prostitution or other unlawful sexual practices; (c)the exploitative use of children in pornographic performances and materials;

AND WHEREAS sexual exploitation and sexual abuse of children are heinous crimes and need to be effectively addressed.”

19. At the stage of considering an application for regular bail, a detailed appreciation of evidence is not warranted, however, for assessing the existence of a prima facie case or whether there exist grounds for bail, the material on record may be examined in a broad perspective.

20. Adverting to the facts of the present matter, the petitioner seeks regular bail in a case registered under Sections 74 and 75 of BNS and Section 4 of the POCSO Act.

21. As regards the plea of false implication, this Court is of the view that such a contention can be established only upon thorough investigation. In any event, the petitioner’s involvement in other similar cases under Sections 354, 354A, 354D, 509, 376, IPC,



2025:DHC:6874



including one in Hapur, Uttar Pradesh, for which no explanation has been offered, undermines the allegation of retaliation and indicates habitual offending. It cannot be presumed that officials of Police Station Nabi Karim were responsible for implicating him in all such matters.

22. On the issue of delay in lodging the FIR, it is to be noted that, in cases of sexual offences involving minors, such delay does not ipso facto vitiate the prosecution case. Reference may usefully be made to the decision of the Hon'ble Supreme Court in *State of Himachal Pradesh v. Prem Singh*⁶, wherein it was held that delay in reporting such offences stands on a different footing from ordinary crimes, often being occasioned by factors such as social stigma, trauma, or external pressure. In the present matter, the record reveals that after informing her sister on 02.02.2025, the prosecutrix proceeded to the place of occurrence in an attempt to locate the petitioner but was unsuccessful. Her conduct is to be assessed in the backdrop of her age and the trauma suffered.

23. The submission that the ingredients of Section 4 POCSO Act are not made out, is premature. The FIR and the statement of the prosecutrix under Section 183 BNSS disclose allegations of sexual assault. Whether the act attracts Section 4 or a lesser offence under Section 7 is a matter for trial. At the stage of bail, the Court is not required to undertake a comparative analysis of penal provisions when the allegations prima facie disclose commission of a cognizable offence under the POCSO Act.

24. This Court is also not persuaded by the petitioner's contention regarding the CCTV footage purportedly showing his presence at



2025:DHC:6874



home. Despite directions from the learned Trial Court and four notices issued by the Investigating Officer, the DVR has not been produced, warranting an adverse inference. The genuineness of the CCTV footage, absence of CDR, ossification test, and the alleged contradictions in the victim's statement are matters to be examined during trial and not at the present stage.

25. In this backdrop, the ensuing question for consideration is whether the petitioner is otherwise entitled to bail on the ground that the grounds of arrest were not furnished to him in writing.

26. Mr. Anubhav Tyagi emphasized that the failure to furnish to furnish the grounds of arrest entitling him to be released and arrest be declared as illegal. He places reliance on *Pankaj Bansal v. UOI & Ors.*⁷, *Prabir Purkayastha v. State (NCT of Delhi)*⁸, *Vihaan Kumar v. State of Haryana & Anr.*⁹.

27. Thus, the “grounds of arrest” must include specific details known to the investigating officer that justify the arrest of the accused. These grounds, communicated in writing, must outline the essential facts and circumstance that led to the arrest, ensuring the accused is informed of the basis for their detention. This provides the accused an opportunity to challenge the arrest, oppose custodial remand, and seek bail.

28. In rebuttal to this submission, Mr. Verma has vehemently contended that the grounds of arrest, as reflected in the chargesheet, are duly recorded in Column 10 of the arrest memo, which reads as

⁶(2009) 1 SCC 420

⁷2024 7 SCC 576

⁸2024 8 SCC 254

⁹2025 SCC OnLine SC 269



2025:DHC:6874



“10. Reasons/Grounds of arrest: Sexual Assault & 4 POCSO Act”

29. Thus, it is evident that the arrest memo clearly specifies the grounds of arrest, which are case-specific, and adequately apprised the petitioner so as to enable him to effectively set forth a proper legal defence.

30. In the light of the above, this Court is of the opinion that the grounds of arrest were duly communicated to the petitioner, and that he was afforded a fair opportunity to oppose the remand application. Considering the seriousness of the allegations and the petitioner’s antecedents in cases of a similar nature, there exists a reasonable apprehension that the petitioner may tamper with evidence or influence witnesses, particularly the prosecutrix, who is yet to be examined. The bail application is, therefore, dismissed.

31. The Trial Court shall make all endeavours to conclude the trial expeditiously, preferably within a period of six months from the date of this order.

32. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

33. The judgment be uploaded on the website forthwith.

AJAY DIGPAUL, J

AUGUST 14, 2025/gs/dd