



2025:DHC:7289



\$~

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

Reserved on: 21.08.2025
Date of Decision: 25.08.2025

+ **BAIL APPLN. 683/2025****RAMANAND SAHNI**

.....Petitioner

Through: **Mr. P. Pratap Singh, Adv.**

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: **Ms. Meenakshi Dahiya, APP**
for State with SI Manisha Yadav and SI
Neeraj

Ms. Gunjan Sinha Jain, Adv. for R-2**CORAM:****HON'BLE MR. JUSTICE AJAY DIGPAUL****J U D G M E N T**

%

1. The present is the third bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ read with Section 439 of the Code of Criminal Procedure, 1973², seeking release on regular bail in FIR No. 1318/2023, registered at PS - Nihal Vihar, for the offences punishable under Section 376AB of Indian Penal Code, 1860³ and Section 6 of the Protection of Children from Sexual Offences Act, 2012⁴.

¹ hereinafter "BNSS"

² hereinafter "CrPC"

³ hereinafter "IPC"

⁴ hereinafter "POCSO Act"



Factual Matrix

2. The present applicant/petitioner/accused, Ramanand Sahni was arrested on 06.10.2023 in connection with the aforesaid FIR. The said FIR was lodged on the basis of a PCR call (DD No. 174A) dated 05.10.2023, alleging the sexual assault of a minor girl aged about 10 years by a 70-year-old person.

3. The applicant has already undergone custody since 06.10.2023. The charge sheet was filed on 05.12.2023, and charges were framed on 26.02.2024 under Section 376AB of the IPC and Section 6 of the POCSO Act. The matter is presently at the stage of evidence as per the records available.

4. The applicant had earlier moved bail applications which were rejected, the last being by order dated 10.04.2024 passed by the learned Trial Court. The present is the third bail application seeking release on regular bail.

Submissions advanced on behalf of the petitioner

5. Mr. P. Pratap Singh, learned counsel for the petitioner submits that the primary case of the prosecution rests upon the statement of the victim child and the testimony of her mother, however, there are material contradictions in the statements of prosecution witnesses.

6. The victim in her initial statement recorded under Section 161 of the CrPC and in her subsequent deposition before the Court gave varying accounts as to the manner of the alleged incident. In her statement recorded under Section 164 of the CrPC before the learned Trial Court, she stated that the accused had pressed her neck when she



shouted, whereas during her testimony on 06.03.2024, she admitted that the accused did not press her neck but only closed her mouth.

7. Similarly, discrepancies exist regarding the time of incident, the place, and whether any family members were present nearby. The mother of the victim (PW-2), examined on 20.05.2024, initially did not narrate the full version of the incident but only after cross-examination by the learned SPP before the learned Trial Court, she disclosed further details that the accused allegedly committed penetrative assault. These inconsistencies, it is submitted, create serious doubt on the prosecution case.

8. It is next submitted that the medical examination of the victim conducted on 06.10.2023 at SGM Hospital, vide MLC No. 303/2023, did not reveal any external or internal injury suggestive of sexual assault. The absence of physical or genital injuries is wholly inconsistent with the allegations of violent penetrative assault upon a minor child aged about 11 years.

9. Furthermore, the FSL report filed along with the supplementary charge sheet on 06.03.2024 did not yield any incriminating evidence against the applicant. The seized exhibits, including the frock of the child and the underwear of the accused, were subjected to forensic examination, yet no conclusive evidence connecting the applicant to the alleged offence was found.

10. It is also submitted that the trial is at the stage of prosecution evidence and is likely to take considerable time to conclude given the number of witnesses cited. It is, therefore, argued that no useful purpose will be served by keeping the applicant behind bars for an indefinite period, when the investigation is complete, charges are



already framed, and the applicant's presence can be secured by imposing appropriate conditions.

11. It is further urged that the applicant is a man of 70 years of age, suffering from the ailments of old age, and has no previous criminal antecedents. The applicant has roots in society and is not a flight risk. Learned counsel for the petitioner, on instructions, submits that the petitioner undertakes to abide by any condition imposed by this Court. Thus, what is being sought before this Court is enlargement on bail, as the applicant has been in custody since 06.10.2023, investigation is complete, charge sheet is filed, and no useful purpose will be served by his continued incarceration.

Submissions advanced on behalf of the respondent

12. *Per Contra*, Ms. Meenakshi Dahiya, learned APP, appearing on behalf of the State has opposed the present regular bail application submitting to the effect that the contentions raised by the petitioner are devoid of any merit considering the gravity of the offence.

13. The child victim's statement under Section 161 of the CrPC, her statement under Section 164 of the CrPC. recorded before the learned Magistrate, and her testimony before the learned Trial Court are consistent to the extent that the accused lured her into his house and committed penetrative sexual assault upon her.

14. The child also correctly identified the accused during the Test Identification in Court proceedings. The victim also identified the blue frock which she was wearing at the time of the incident, and her underwear during her deposition before the Court on 05.03.2024 and 06.03.2024. The victim specifically deposed that the accused



“removed her clothes, laid her on the bed and inserted his male genital into her private part,” and also threatened her with dire consequences if she disclosed the act.

15. The prosecution further relies upon the testimony of the mother of the victim (PW-2), recorded on 20.05.2024, who categorically deposed that her daughter returned home crying and disclosed that the accused had committed sexual assault upon her by removing her underwear and inserting his organ into her. She confirmed that she and her family immediately confronted the accused at his house and subsequently informed the police. The witness also identified her signatures on the seizure memo of the frock of the victim (Ex. PW-2/B) and admitted that she handed over the clothes of the child to the police. Upon cross-examination by the learned SPP before the Court below, she reaffirmed that the victim had told her that “*Ramanand uncle inserted his organ into her organ*”.

16. It is argued that the case is of serious nature involving sexual assault on a child of 10 years and that the allegations against the accused are grave and heinous. Thus, it is prayed that the present application seeking regular bail may be dismissed.

Analysis

17. Heard the parties and perused the material on record.

18. The applicant seeks regular bail on the ground that the case of the prosecution is primarily based on the testimonies of the child victim and her mother, which, according to him, suffer from material inconsistencies. It is also argued that the medical examination of the prosecutrix does not reveal any signs of physical or genital injuries



and that the FSL report does not yield any incriminating evidence connecting the applicant to the alleged act.

19. These contentions, however, merit cautious consideration at the relevant stage of the trial as well as the current stage, which is bail.

20. It is a well-settled principle of criminal jurisprudence that inconsistencies or contradictions in the depositions of prosecution witnesses can only be tested during the course of trial through detailed examination and cross-examination.

21. The process of assessing the credibility and reliability of witnesses falls strictly within the domain of the trial court. The mere existence of alleged inconsistencies, assuming them to exist for argument's sake, cannot by itself be a valid ground to enlarge the accused on bail when the trial is ongoing and several material witnesses remain to be examined. Premature evaluation of such inconsistencies would amount to a mini trial, which is impermissible at the stage of bail. In this regard, reliance may be placed on the judgment of the Hon'ble Supreme Court in *Neeru Yadav v. State of U.P.*⁵, wherein it was observed that in the process of adjudicating a bail application, heinous nature of crimes warrant more caution and the Courts are not expected to consider whether the entire evidence establishes the guilt of the accused beyond reasonable doubt, and there has to be a *prima facie* satisfaction of the Court in support of the charge.

22. The FSL report dated 06.03.2024, which is alleged to be not conclusively linking the accused to the offence, does not displace the direct and detailed testimony of the child victim, which is in itself

⁵ (2016) 15 SCC 422
BAIL APPLN. 683/2025



sufficient to constitute *prima facie* evidence. In ***State of Maharashtra v. Chandraprakash Kewalchand Jain***⁶, the Hon'ble Supreme Court held that a woman who is the victim of sexual assault is not an accomplice to the crime but is a victim. Her evidence does not require any corroboration, and conviction can be based solely on her testimony if it is reliable.

23. In the present case, the victim has given a consistent and detailed account of the incident in her statement under Section 164 of the CrPC and in her deposition before the trial court, clearly identifying the accused and narrating the act of penetrative sexual assault. The version is further corroborated by the deposition of her mother. The identification of the clothes worn at the time of the incident by the victim further lends *prima facie* credence to the prosecution version.

24. The contention of the applicant regarding the absence of injuries in the medical examination is equally unpersuasive. It is a settled proposition that the absence of physical injuries does not, *ipso facto*, dislodge the prosecution case, particularly in cases involving child victims.

25. Children may not resist sexual assault with the same degree of force as adults, and the nature of assault may not always result in visible or lasting injuries. The Supreme Court in ***State of H.P. v. Gian Chand***⁷, held that non-rupture of hymen and absence of injuries do not necessarily disprove the commission of rape, especially when the victim is a child and the testimony is otherwise credible.

⁶ (1990) 1 SCC 550

⁷ (2001) 6 SCC 71



26. As regards the FSL report not yielding incriminating material, it is trite law that forensic evidence is only one aspect of investigation. Where there exists direct evidence in the form of clear, cogent, and trustworthy testimony of the victim, especially a child victim, it is not always necessary that scientific evidence will also exist. The absence of DNA or biological evidence, therefore, cannot be determinative of the veracity of the charge at this stage.

27. The gravity of the offence alleged is severe. The offence under Section 376AB of the IPC read with Section 6 of the POCSO Act carries stringent punishment, including life imprisonment for the remainder of the convict's natural life or the death penalty.

28. The victim in this case is a child of 10 years, while the applicant is a man of approximately 70 years of age. This wide disparity in age further aggravates the severity of the alleged act and raises serious concerns regarding exploitation and abuse of trust. In *Dharmander Singh v. State (NCT of Delhi)*⁸, a Coordinate Bench of this Court laid down that the comparative age of the victim and the accused is a relevant consideration while assessing the gravity of the offence and deciding the bail application. The greater the age gap between the victim and the accused, the more heinous the nature of the offence and the more stringent should be the approach of the court at the stage of bail.

Conclusion

29. In view of the above analysis, this Court is of the considered opinion that no case is made out for grant of regular bail to the

⁸2020 SCC OnLine Del 1267
BAIL APPLN. 683/2025



applicant at this stage. The allegations against the applicant are grave and serious. The victim has consistently supported the prosecution case. The inconsistencies highlighted by the applicant are not sufficient to dislodge the *prima facie* case.

30. Before parting away, this Court deems it appropriate to record its appreciation for the valuable assistance rendered by learned counsel for the petitioner, Mr. P. Pratap Singh. The Court notes that he was thoroughly prepared with the facts and the record and addressed all queries of the Court with clarity and diligence. His submissions were made in a fair and professional manner, which greatly assisted this Court in the adjudication of the present matter.

31. Accordingly, the present regular bail application stands dismissed. Pending application(s), if any, stands disposed of.

32. It is clarified that nothing stated herein shall be construed as an expression on the merits of the case. The learned Trial Court shall proceed independently and uninfluenced by any observations made herein.

33. The judgment be uploaded on the website forthwith.

AJAY DIGPAUL, J.

AUGUST 25, 2025/gs/ryp