



2025:DHC:6747



\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 12.08.2025*+ **BAIL APPLN. 2087/2025**

PARASRAM@ PARAS

.....Petitioner

Through: Mr. Vikas Singh and Mr.
Abhinav Chauhan, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar,
APP for the State with Dr.
Chandrakant and Ms. Puja
Mann, Advs. and with SI
Ayushi Sirohi.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 745/2020, registered at Police Station Khajuri Khas, Delhi for the commission of offences punishable under Sections 363/376/109/174A of the Indian Penal Code, 1860 [hereafter '*IPC*'] and Section 6/17/21 of the Protection of Children from Sexual Offences Act, 2012 [hereafter '*POCSO Act*'].

2. Briefly stated, the facts of the case are that the present FIR was



initially registered for offence under Section 363 of IPC on the complaint of Ms. 'A', mother of victim 'P', who had informed that her daughter had gone missing on 11.09.2020. On 02.11.2020, the victim 'P', alongwith one another victim 'K', was recovered from Raksaul, Bihar. The allegations, as evident from the statements of the victim recorded by the police and by the Magistrate under Section 164 of Cr.P.C., are that the present accused had kidnapped the victim 'P' and had taken her to Bihar along with co-accused Punam and his step-daughter 'K'. It is alleged that the accused had committed aggravated penetrative sexual assault on victim 'P' and 'K' when they were in Bihar. Victim 'P' was 13 years old at the time of incident while victim 'K' was only 5 years old at that time. Since the present applicant/accused could not be traced, he was declared a proclaimed offender, and chargesheet was filed only against co-accused Poonam. The applicant was finally arrested on 09.02.2024, after which a supplementary chargesheet was filed qua him.

3. The learned counsel appearing for the applicant argues that the applicant is an innocent person who has been falsely implicated in the present case. It is submitted that the applicant has been in judicial custody since 09.02.2024, i.e. for about one and a half years, and that he has good antecedents, having never been involved in any other criminal case apart from the present one. It is further contended that, as per the statement of the victims, they allegedly travelled from Delhi to Nepal and returned to Delhi; however, at the relevant time, during the COVID-19 pandemic in 2020, travel was extremely



difficult, which renders the said statement false and concocted. The learned counsel also points out that, according to the chargesheet filed by the Investigating Officer, there is no evidence whatsoever to establish that both victims had travelled from Delhi to Nepal and back with the present applicant. It is also argued that as per the MLC of the child victim, there are no injuries on the private parts and as well as on other body parts of the victims. It is further stated that the victims have been examined before the learned Trial Court and there is no possibility of tampering with the evidence or influencing the witnesses. It is also argued that the victim 'K' has not identified the applicant and therefore it is prayed that he be granted bail.

4. The learned APP for the State, on the other hand, argues that the allegations against the applicant are serious in nature. It is submitted that the statements of the victims clearly implicate the applicant in the commission of the offence, and the contention regarding difficulty of travel during the COVID-19 pandemic is a matter of trial, not bail. The learned APP further contends that the investigation has revealed the applicant's active role in facilitating the alleged offence. The learned APP contends that releasing the applicant at this stage may result in his tampering with evidence or influencing witnesses, especially given the gravity of the offence. Accordingly, it is prayed that the present bail application be dismissed.

5. This Court has **heard** arguments addressed by learned counsel for the applicant and learned APP for the State, and has perused the



material on record.

6. The allegations against the present applicant/accused, in brief, are that he had kidnapped minor girl 'P', aged about 13 years, and taken her to Bihar along with co-accused Poonam and his step-daughter 'K', aged about 5 years. It is further alleged that during their stay in Bihar, the applicant had committed penetrative sexual assault upon both the said victims.

7. This Court notes that victim 'P' has consistently stated that during this period, the accused used to commit repeated penetrative sexual assault upon her, even though she used to cry. She has also leveled specific allegations that the accused had wrongfully confined her in a room, prevented her from leaving, and did not allow her to communicate with her parents. She further alleges that the present accused had taken her and victim K and co-accused Poonam to Nepal where they stayed for about 1.5 months. The victim 'P' also identified the present applicant as the person who committed wrong acts with her.

8. Similarly, victim 'K' has also deposed before the learned Trial Court that present applicant Paras used to commit wrong acts with her, including committing penetrative sexual assault upon her. She has also leveled categorical allegations against him in her statement under Section 164 of Cr.P.C. Though she did not identify the applicant in Court, and stated that "*shakal yaad nahi hai*", the same is possible owing to her tender age of about 5 years at the time of the



incident. However, at all stages, she has specified the name ‘Paras’ i.e. her step-father who used to sexually assault her.

9. Thus, the record reflects that victim ‘P’ has supported the prosecution case when examined before the Trial Court, and her testimony also lends material corroboration to the statement of victim ‘K’. The prosecution case is further strengthened by the fact that the victims were traced in Bihar on 01.11.2020 along with co-accused Poonam, after victim ‘P’ had managed to contact her mother. Their statements recorded under Section 164 of Cr.P.C. before the Magistrate are also consistent and detailed in attributing the role of the accused.

10. In view thereof, this Court is of the view that the allegations against the present applicant/accused are grave and serious in nature, as clearly evident from the perusal of statements of PW-1 and PW-2 recorded before the learned Trial Court, involving commission of aggravated penetrative sexual assault upon two minor victims, aged about 13 years and 5 years. The victims have also alleged that the accused used to say that he would make them work as prostitutes.

11. It is also borne out from the record that the accused had absconded soon after the registration of the FIR, was declared a proclaimed offender on 11.10.2021, and could only be apprehended on 09.02.2024. His prolonged absconsion has already resulted in substantial delay of the trial.

12. Given the seriousness of the allegations, the tender age of the



2025:DHC:6747



victims, the gravity of the offences, coupled with the past conduct of the accused in evading the process of law, this Court is of the considered opinion that the present case is not a fit case for grant of bail, at this stage.

13. Accordingly, the present bail application stands dismissed.

14. However, considering that the FIR in the present case was registered on 11.09.2020 and that the accused was arrested on 09.02.2024, this Court deems it appropriate to direct the learned Trial Court to expedite the proceedings and make all endeavours to conclude the trial within a period of one year from receipt of this order.

15. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression on the merits of the case.

16. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

AUGUST 12, 2025/vc

TS/TD