
(2025) 08 DEL CK 0708

In the Delhi High Court

Case No : Bail Application No. 3118 Of 2025 & Criminal Miscellaneous
Application No. 24183 Of 2025

Keshav Kumar @ Tushar

APPELLANT

Vs

State (Gnct) Of Delhi And Anr

RESPONDENT

Date of Decision : 18-08-2025

Acts Referred:

Bharatiya Nayaya Sanhita, 2023 — Section 65(1)
Protection of Children from Sexual Offences Act, 2012 — Section 4

Citation : (2025) 08 DEL CK 0708

Hon'ble Judges : Girish Kathpalia, J

Bench : Single Bench

Advocate : Kuldeep Jauhari, Antara Mishra, Sahil Ahuja, Nawal Kishore Jha

Final Decision : Dismissed

Judgement

Girish Kathpalia, J

1. The accused/applicant seeks regular bail in case FIR No. 921/2024 of PS Bhalswa Dairy for offence under Section 65(1) of BNS and Section 4 of Protection of Children from Sexual Offences Act.
2. Broadly speaking, the allegation against the accused/applicant is that sometime in August 2024, under the pretext of some work, he took home a 13 year old girl who was playing with her friends in the locality and committed rape on her, after which she became pregnant.
3. It is contended on behalf of accused/applicant that all vital witnesses of prosecution have already been examined and the accused/applicant is in jail since 14.11.2024, so he is entitled to be released. Further, it is contended by the learned counsel that the accused/applicant must be given a chance to reform himself.
4. Learned APP accepts notice and opposes the bail application.

5. But learned APP is unable to assist because one Investigating Officer/ SI Anisha has not brought the investigation/police file while the SHO Inspector Manish Bhatti is not aware about the progress of the case. At this stage, it is informed by learned APP that Inspector Manish Bhatti is not the SHO but ATO, and earlier he mistook the inspector as SHO.

5.1 Repeatedly it has been directed that in bail matters, the IOs should brief the prosecutor before commencement of hearing and should remain present with file in the course of hearing. Repeatedly copies of such orders have been sent to the concerned DCPs to streamline the system. But to no avail. In present case also, due to failure of IOs, the learned prosecutor is unable to assist. Such lackadaisical approach to liberty of an individual cannot be accepted. Once an individual is arrested, the investigator must diligently produce before the court the necessary record and submissions to justify curtailment of liberty. Copy of this order be sent to the Commissioner of Police to look into the matter.

6. From the aforesaid, it appears that the prosecution/investigator does not want to oppose this bail application. But that in itself should not entail grant of bail where the accused/applicant does not deserve the same.

7. Keeping in mind the gravity of offence, coupled with the fact that prosecutrix supported prosecution case in her testimony during trial (copy of testimony already filed with the bail application), I do not find it a fit case to release the accused/applicant on bail.

8. Therefore, the bail application and the accompanying application are dismissed.