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

+ **CRL.A. 277/2023**

ROHIT

.....Appellant

Through: Mr. Ballam, Mr. Dev  
Bharti and Mr. Gaurav  
Chauhan, Advs.

versus

STATE NCT OF DELHI & ANR. ....Respondents

Through: Mr. Kiran Bairwa, APP for  
the State with SI Rashmi,  
PS Janakpuri.  
Ms. Aastha, Adv.  
(DHCLSC) with Ms.  
Megha Singh, Adv. for the  
prosecutrix.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

% **16.04.2025**

**CRL.M.(BAIL) 446/2023**

1. The present application is filed seeking suspension of sentence of the appellant/applicant and his release on bail till the pendency of the present appeal.
2. The learned counsel for the appellant submits that the appellant has been falsely implicated in the present case.
3. He submits that serious allegations of gang rape have been made and despite the same, the FIR was registered two days later.
4. He submits that the incident allegedly took place on 01.08.2015 whereas the complaint for the same was made on 03.08.2015.
5. He submits that a Coordinate Bench of this Court, by order dated 27.05.2024, suspended the sentence of the co-accused

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noting that the prosecutrix and the appellant were known to each other.

6. The Coordinate Bench of this Court noted that the prosecutrix appears to have voluntarily accompanied the appellant and even though she stated that she was under the threat of acid attack, no acid bottle was recovered during the course of investigation.

7. It was also noted that the alleged incident took place outside the school and no public witness was involved during the course of investigation.

8. The appellant, at the time of incident, was stated to be a young man of 19 years of age and even though the victim alleged that she did not raise any alarm since the appellant was carrying acid in a bottle, the same *prima facie* appears to be improbable.

9. The victim also alleged that she was given a pill due to which she became unconscious. However, there is no scientific evidence to prove the allegations which are based only on the statement made by the victim.

10. The Nominal Roll also indicates that the appellant has already undergone almost half the sentence.

11. In view of the above, the order on sentence dated 09.09.2022 is suspended till the pendency of the present appeal. The appellant is directed to be released on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the concerned Jail Superintendent, on the following conditions:

- a. The appellant shall pay the fine amount as imposed by the order on sentence dated 09.09.2022 within a period of three weeks of his release. Proof of deposit



of fine to be furnished to the concerned IO/SHO;

- b. The appellant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/SHO;
- c. The appellant shall not reside within 5 kms radius of the locality where the complainant/victim resides;
- d. The appellant shall, under no circumstances, leave the country without the permission of the Court;
- e. The appellant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- f. The appellant shall appear before this Court as and when directed.

12. The present application is allowed in the aforesaid terms.

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13. List in due course.

**AMIT MAHAJAN, J**

**APRIL 16, 2025**

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