



2025:DHC:4937



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

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Date of Decision: 09.06.2025

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BAIL APPLN. 1888/2025 & CRL.M.(BAIL) 1092/2025

NIKUND KUMAR JHA

.....Petitioner

Through: Mr. Anil Kumar Mishra and Mr.
Ankit Dhawan, Advocate

versus

STATE OF NCT DELHI & ANR.

.....Respondents

Through: Mr. Aman Usman, APP for State.
Mr. Sarthak Tomar, Advocate for
Complainant.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 610/2024, registered at PS K.N. Katju Marg, North Delhi for offences under Section 498A/406/34 IPC, to which further offences including the offences under Section 376/328/354A/376D IPC and Section 6 POCSO Act were added in view of detailed statements of the prosecutrix recorded under Section 164 CrPC.

2. Learned counsel for the accused/applicant contends that the accused/applicant is innocent and has been falsely implicated because on his



complaint under Section 494 IPC, the prosecutrix was called by the police for preparing Action Taken Report. It is further contended that the allegations against the accused/applicant are basically those arising out of matrimonial disputes, so the accused/applicant deserves to be released on bail. Learned counsel for accused/applicant also submits that at the time of the alleged sexual offences under POCSO Act, the accused/applicant was aged about 17 years 06 months, though he also clarified that he is not arguing that case under POCSO Act is not sustainable on account of age. Further, it is argued that none of the allegations mentioned in the FIR has been repeated in the charge-sheet.

3. On the other hand, learned counsel for prosecutrix opposes the bail application on the ground of severity of allegations.

4. Learned APP opposes the bail application on the ground that earlier, the accused/applicant was granted anticipatory bail by the Court of Sessions but he misused the liberty by threatening the prosecutrix over phone, regarding which, text chats have been already placed on record, therefore, the anticipatory bail was cancelled and consequently the accused/applicant was arrested.

5. The allegations in the FIR are not the stereotyped matrimonial dispute allegations. The accused/applicant is husband of the prosecutrix, according to the accused/applicant. The prosecutrix has alleged in the FIR itself that



her brother in law used to sexually harass her by touching her in inappropriate manner and outraged her modesty but when she complained before her husband, the accused/applicant, he told her to ignore all that humiliation; that the accused/applicant used to hurt her hands with blade and make her do kitchen work with wounded hands; that the accused/applicant started compelling her to agree for wife swapping and for that purpose, he took her to a hotel where his friends molested her, so she ran away; and that the accused/applicant created her fake Insta ID and started sending her pictures on the social media, soliciting people to make sexual relations with her for money.

6. Apart from the serious allegations mentioned above, there are also allegations of rape and gang rape in statement under Section 164 CrPC of the prosecutrix.

7. Further, it appears that earlier when granted anticipatory bail, the accused/applicant admittedly got in touch with the prosecutrix and exchanged text chats, copies whereof are on record. It would be significant to note that those text chats were made by the accused/applicant under fictitious name through a new SIM card, but in investigation, the said SIM was found to be registered in his name. The accused/applicant also admitted before the Court of Sessions about this contact by him with the prosecutrix.



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8. Considering the above circumstances, I do not find it fit case to release the accused/applicant on bail. Therefore, the application is dismissed.

9. At request of learned counsel for accused/applicant, it is made clear that the above observations are solely on the issue of bail and not on merits of the case.

**GIRISH KATHPALIA
(JUDGE)**

JUNE 09, 2025/as