

IN THE COURT OF MS.HEMANI MALHOTRA/ASJ- 9/W/THC/DELHI

As per directions of Hon'ble High Court of Delhi , matter is taken through video conferencing

Bail Application No.

FIR NO. 120/21

PS: Patel Nagar

U/s 376/506 IPC & 6/12 POCSO Act

State vs. Sidhant Hilwan

20.5.2021

Present: Sh.Sukhbeer Singh Learned Addl. PP for the State
Sh.Rajinder Singh, learned counsel for applicant/accused Sidhant Hilwan

IO Jaspreet Pannu alongwith victim has also attended VC

Reply to bail application is filed.

Submissions on bail application U/s 439 Cr.P.C. heard from Learned counsel for accused/applicant and reply perused.

No assistance was provided by learned Addl. PP for the state stating that he had received replies to the bail applications listed before this court today at 10.00 am and he was unable to go through them.

It is argued by learned counsel for applicant/accused that accused has been falsely implicated in this case. Applicant/accused is a volleyball player and is aged about 20 years old. The accused/applicant and the prosecutrix had met each other in a volleyball court in Ramjas School Patel Nagar in 2018 and since then, she had been in a relationship with him.

It was further averred that the present case FIR was registered by the prosecutrix on the instigation of her parents. The relationship between the accused/applicant and prosecutrix was consensual and same is evident from the fact that no injury marks were found on the private parts of the prosecutrix and she asked declined for internal examination. It was also submitted that the IO has failed to collect the birth certificate of prosecutrix and that she was major at the time of alleged offence. Relief is also sought on the ground that accused/applicant is in J/c since 6.5.2020 and that he is not involved in any other case.

As per the report, IO had collected the Xth standard certificate of prosecutrix from her school as per which victim was 17½ years old at the time of offence. The same was also confirmed by her during an oral enquiry from her.

Reply filed by the IO perused.

Although, the fact that prosecutrix became friendly with accused/applicant three years ago is not denied by the prosecutrix. According to the allegations in the FIR, prosecutrix was repeatedly sexually abused by the accused/applicant. One such incident took place in October'2020, when her parents were not at home. The accused/applicant had also allegedly taken her nude photographs and videos at the time of one such sexual encounter and he on the basis of those photographs and videos black mailed her into establishing further sexual relations. He also threatened the prosecutrix that he will make her nude photographs and videos viral. According to the allegations, accused/applicant lastly established sexual relations with her in April 2021 at her home after intimidating her , whereafter the present case FIR was registered.

On a query put to the IO, regarding nude photographs and videos of prosecutrix in the mobile phone of accused/applicant , it was replied that nude photographs/videos of various girls were found in the mobile phone of accused/applicant. However, no photographs or videos of prosecutrix were found as the same may have been deleted as accused/applicant had been informed of the present complaint by the prosecutrix. IO submits that mobile phone of accused/applicant is to be sent to FSL to retrieve the deleted photographs and videos.

Considering the gravity of offence , no ground for granting any relief to accused/applicant is made out. Application thus stands dismissed being devoid of merits.

HEMANI
MALHOTRA

Digitally signed
by HEMANI
MALHOTRA
Date:
2021.05.21
10:23:18 +0530

(HEMANI MALHOTRA)
ADDL. SESSIONS JUDGE-09
(VACATION LINK JUDGE)