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

+ **BAIL APPLN. 2590/2025**

ABHISHEK KUMAR PANDEY

.....Petitioner

Through: Mr. Bhoop Singh, Advocate

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Hitesh Vali, APP for the State.
Mr. Satyapreet, Advocate for
Respondent.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

09.09.2025

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1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 210/2024, registered at Police Station Kalindi Kunj, Delhi, for the offences punishable under Sections 363/376 of the Indian Penal Code, 1860 (hereafter '*IPC*') and Sections 6/21 of the Protection of Children from Sexual Offences Act, 2012 (hereafter '*POCSO*').

2. Briefly stated, the facts of the present case are that a missing report was lodged by the father of the victim, wherein he had stated that her daughter 'K' had gone for tuition on 29.05.2024 and since then, she had been missing from the house. He suspected that some unknown person had kidnapped his daughter. On the statement of the father of the victim, the present FIR under Section 363 of IPC was registered. During investigation,



the search of the victim was made and the victim was traced from the area of P.S. Uran, Mumbai on 11.07.2024. The victim was medically examined, and thereafter, her statement was recorded under Section 164 of Cr.P.C., wherein she had disclosed that she had got married to the present accused/applicant in Gurgaon and they had been living as husband and wife.

3. The learned counsel appearing on behalf of the applicant argues that the statement recorded of the victim under Section 164 of Cr.P.C. supports the accused and wherein the victim categorically mentioned that she was beaten by her parents and therefore, she had voluntarily accompanied the accused herein. It is also argued that the ground on which the bail application has been rejected is that the victim was less than 18 years of age and the other ground of denial of the bail application by the learned Trial Court was that since the accused was major, he should have understood the consequences of having sexual intercourse with a minor. It is, therefore, prayed in view of the facts and circumstances of the case, the applicant be released on regular bail.

4. The learned APP for the State, on the other hand, opposes the bail application, and argues that the victim's age was less than 15 years at the time of incident and if bail be granted, the accused may threaten the victim and may not join the trial of the case. It is therefore, prayed that the application for grant of regular bail be rejected.

5. This Court has heard arguments addressed on behalf of the applicant as well as the State and has perused the material available on record.

6. After hearing arguments and going through the case file, this Court takes note of the fact that when the statement of the victim was recorded under Section 164 of Cr.P.C., she had given a statement that she was not



forced for sexual intercourse and she did not want to go back to her home. The Court is, however, informed that the victim is now staying with her family, thought it is not clear by which order. Charges in this case have been framed.

7. Considering the overall facts and circumstances of the case, and the fact that the present applicant/accused had been earlier granted interim bail for 10 days which he had not misused, this Court is inclined to grant regular bail to the applicant herein, on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Court and if the applicant has a passport, he shall surrender the same to the concerned trial court.
- ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned.
- iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.
- iv) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.

8. Accordingly, the present bail application stands allowed and is disposed of.

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



10. A copy of this order be communicated to the concerned jail authorities for necessary compliance.
11. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

SEPTEMBER 09, 2025/zp