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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 3500/2025

VISHAL KUMAR

.....Petitioner

Through:

Mr. Rana Rajit Singh, Mr. Vivek Kumar Singh, Ms. Akansha Singh Mr. Aditya Shekhar, Mr. Masoom Raj Singh, Ms. Parul Kanojia and Mr. Saiyam Maan, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through:

Mr. Hemant Mehla, APP for the State.

Ms. Vinda Bhandari, Advocate (DHCLSC) along with Ms. Vanshita Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

10.12.2025

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1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 154/2025 registered under Sections 137(2)/64(1) of the Bharatiya Nyaya Sanhita, 2023³ and Section 6 of the Protection of Children from Sexual Offences Act, 2012⁴ at P.S. K.N. Katju Marg.

2. The case of the prosecution, in brief, is as follows:

2.1. On 3rd April 2025, the victim, aged about 17 years, reported that the Applicant, Vishal, with whom she had been interacting since 2022, had

¹ "BNSS"

² "Cr.P.C."

³ "BNS"

⁴ "POCSO"



physical relations with her at a Rohini hotel in August, 2024 and on subsequent occasions till March, 2025 on an alleged false promise of marriage. Her statement under Section 183 BNSS reiterates the accusation.

2.2. The school record notes her date of birth as 9th July, 2008. The Applicant was apprehended on 22nd April, 2025 at Muzaffarpur, brought to Delhi, medically examined (potency established), and a chargesheet has since been filed for offences under Section 64(1) BNS and Section 6 POCSO. The matter stands at the stage of prosecution evidence.

3. Mr. Rana Rajit Singh, counsel for the Applicant, submits that the FIR was lodged nearly eight months after the alleged incident without a cogent explanation. He contends the parties were in a consensual relationship since 2022 and met on several occasions. The complaint was lodged only after the Applicant married another person on 24th March, 2025. He further urges that the victim misrepresented her age by showing an Aadhaar card depicting her as about 21 years old, causing the Applicant to *bona fide* believe the relationship was lawful. The victim's age is disputed because the prosecution relies only on school records without medical verification. Counsel also points out the absence of medical or forensic corroboration, no injuries were recorded and the DNA report does not inculcate the Applicant. The Applicant has clean antecedents, has cooperated, and with investigation complete and a chargesheet filed, continued incarceration would be pre-trial punishment; he is not a flight risk and is willing to comply with conditions.

4. *Per Contra*, Mr. Hemant Mehla, APP for the State, and Ms. Vrinda Bhandari, counsel for the victim, oppose the bail application. They submit that the allegations disclose grave offences under Section 64(1) BNS and Section 6 POCSO Act; the victim has consistently implicated the Applicant



in her statements, including under Section 183 BNSS. They emphasise that delay in reporting sexual offences by minors is neither unusual nor fatal, and the case record furnishes a sufficient explanation for the timing of the complaint. The victim was a minor throughout the relevant period, as proven by school records gathered during the investigation, and therefore the plea that the relationship was consensual is without merit. They highlight that the Applicant was apprehended from outside Delhi and, if enlarged, there is a reasonable apprehension of absconsion or of the Applicant approaching the victim or other witnesses.

5. The Court has considered the rival submissions and the material on record. The allegations are undoubtedly grave. At the same time, bail cannot be declined solely because the charge is serious. At this stage, the Court is required to undertake a limited, *prima facie* assessment, keeping in view factors such as: whether there are reasonable grounds to believe that the accused has committed the offence, the nature and gravity of the accusation, the severity of the possible sentence, the risk of absconding, the likelihood of repetition, and the possibility of interference with witnesses or the course of trial

6. The prosecution case is founded primarily on the victim's statements, supported by her school records to establish minority. The Applicant pleads a long-standing relationship and claims he believed the victim to be a major on the strength of an Aadhaar card allegedly shared over WhatsApp. These competing versions on both the nature of the relationship and age are matters for trial. For age determination, school records are a recognised indicator, though their probative worth is finally tested in evidence.

7. The timeline is also of some significance. The relationship, as per



prosecution case, commenced in 2022, the first act of sexual intercourse is alleged in August, 2024, and the FIR came to be lodged on 3rd April, 2025. The defence presses this chronology to suggest that if the allegations were genuine, complaint would have been made at a much earlier stage, and that the lapse casts doubt on the spontaneity and genuineness of the accusation. The State, on the other hand, points out that delayed disclosure in cases involving sexual abuse of minors is neither uncommon nor, by itself, determinative

8. Courts have repeatedly held that delay in lodging an FIR in sexual offence cases, particularly where a minor is involved, must be examined in the context of these surrounding circumstances and does not, by its mere existence, render the prosecution inherently unreliable. However, for present purposes, therefore, the lapse in time is a relevant and material circumstance in the assessment of bail.

9. The Applicant has been in custody since 22nd April, 2025. The investigation stands concluded, the chargesheet has been filed, and the case is presently at the stage of prosecution evidence. The statements of the victim and her mother under Section 183 BNSS have already been recorded. In these circumstances, any apprehension of the Applicant influencing these material witnesses is, at this stage, substantially diminished.

10. The apprehension expressed by the State that the Applicant may abscond or attempt to influence the victim can be sufficiently addressed by imposing strict conditions while granting bail.

11. It is now well settled in a consistent line of decisions of the Supreme Court that the object of bail is neither punitive nor preventive, and that pre-trial detention is not intended to serve as a substitute for punishment. The



primary purpose of bail is to secure the presence of the accused at trial and to ensure that the administration of justice is not obstructed.⁵ Having regard to the stage of the proceedings, the period already spent in custody, and the nature of the material presently on record, the Court is inclined to grant bail to the Applicant.

12. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c. The Applicant shall not contact the victim or any of her family members;
- d. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- e. The Applicant shall appear before the Trial Court as and when directed;
- f. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;

⁵ *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



g. The Applicant shall not reside within 3 km radius of the residence of the victim and shall also furnish proof of his residence to the concerned IO. The Applicant shall also not move in the vicinity of the victim in any manner.

h. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

i. The Applicant shall report to the concerned PS on first, Friday of every month;

13. In the event of there being any FIR / DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

14. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

15. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

DECEMBER 10, 2025/MK