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

+ **BAIL APPLN. 4182/2025 & CRL.M.A. 32455/2025**

RAHUL GOYAL

.....Petitioner

Through: Mr. M. Naushad, Advocate

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for the State
with Insp. Manjusha, PS Sarita Vihar

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

04.11.2025

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1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in the proceedings arising from case FIR No. 342/2021 dated 4th October, 2021, registered at P.S. Sarita Vihar, Delhi under Sections 363 and 376 of the Indian Penal Code, 1860³ and Section 6 of the Protection of Children from Sexual Offences Act, 2012⁴.

Factual Matrix

2. The case of the prosecution, in brief, is that the victim, Ms. 'X', aged 15 years, came into contact with the Applicant, who used to frequently visit her rented accommodation. They became acquainted, and in March 2021,

¹ "BNSS"

² "CrPC"

³ "IPC"



the Applicant is alleged to have taken the victim to Akash Guest House, Madanpur Khadar, New Delhi, where he committed sexual intercourse with her on the false pretext of marriage. It is further alleged that the Applicant thereafter sexually assaulted her on two more occasions, as a result of which she conceived. When the victim informed the Applicant about her pregnancy, he allegedly administered abortion pills to her, causing bleeding but without termination of the pregnancy.

3. The prosecution further alleges that on 01st October, 2021, the Applicant took the victim to Jaipur, Rajasthan, and returned the following day. Subsequently, the victim disclosed the incident to her mother, whereafter the present FIR was registered and investigation commenced. During investigation, the age of the victim was verified as 15 years, while the Applicant was 26 years old and married at the time of the incident. The investigation also confirmed that the Applicant and the victim had made room bookings at Akash Guest House. It was further revealed that the pregnancy resulting from the alleged assault continued to full term, and the victim delivered a baby. The blood samples of the victim, the child, and the Applicant were sent for forensic analysis, which confirmed that the Applicant was the biological father of the baby.

Contentions of the Applicant

4. Counsel for the Applicant makes the following submissions in support of grant of relief of bail to the Applicant:

4.1. The Applicant has been falsely implicated in the present case and should be released on bail. The material witnesses, including the victim, have already been examined and discharged, and therefore, there is no

⁴ “POCSO Act”



possibility of the Applicant influencing or tampering with the prosecution evidence.

4.2. The relationship between the Applicant and the victim was consensual in nature. The victim had represented herself to be a major and had voluntarily insisted on continuing the relationship. There was no inducement or deception by the Applicant, and no false promise of marriage was made, as the victim was fully aware that the Applicant was already married at the relevant time.

4.3. The only document relied upon by the prosecution to establish the age of the victim is an affidavit furnished at the time of her school admission, which, in the absence of any authentic proof of birth, cannot be treated as conclusive evidence to prove her age. Hence, the prosecution's reliance on such material is misplaced.

4.4. The Applicant has been in judicial custody since 05th October, 2021. Considering the prolonged period of incarceration and the fact that the trial is now at an advanced stage with only a few witnesses remaining to be examined, further detention of the Applicant would serve no useful purpose, and therefore, he be enlarged on bail pending conclusion of the trial.

Contentions of the State

5. On the other hand, Mr. Mehla, APP for the State, opposes the bail application and submits as follows:

5.1. The Applicant deserves no leniency as he is charged with the heinous offence of committing penetrative sexual assault upon the victim, aged about 15 years at the time of the incident.

5.2. The sexual assault resulted in the victim's pregnancy and subsequent delivery of a child, whose DNA profiling has confirmed the Applicant to be



the biological father. The prosecution case, therefore, rests on credible scientific evidence, and in such circumstances, the plea of consensual relationship raised by the Applicant is wholly immaterial having regard to the fact that the victim was a minor.

5.3. The victim has already been examined and has fully supported the prosecution version. The Trial is at an advanced stage and only four prosecution witnesses remain to be examined.

Analysis

6. The Court has considered the aforementioned submissions and examined the record. Prosecution evidence stands at an advanced stage, with only a few witnesses left. At this juncture, three features are salient: (i) *prima facie*, the prosecutrix was a minor at the material time, (ii) there is scientific evidence (DNA profiling) linking the Applicant to the birth of the child, and (iii) the victim has already supported the prosecution's version in Court. In offences of this nature, particularly under Section 6 POCSO Act, these factors together create a strong *prima facie* case.

7. As to the governing principles, bail is discretionary and must be exercised judiciously on the case-specific matrix, keeping in view the nature of accusations, the gravity of punishment upon conviction, the supporting material, and the likelihood of witness tampering or obstruction of justice. It is apposite to refer to the recent judgment of the Supreme Court in ***Bhagwan Singh v. Dilip Kumar alias Deepu alias Deepak and Anr.***⁵, wherein it has been observed:

“11. The grant of bail is a discretionary relief which necessarily means that such discretion would have to be exercised in a judicious

⁵ 2023 INSC 761.



manner and not as a matter of course. The grant of bail is dependent upon contextual facts of the matter being dealt with by the Court and may vary from case to case. There cannot be any exhaustive parameters set out for considering the application for grant of bail. However, it can be noted that:

11.1. While granting bail the court has to keep in mind factors such as the nature of accusations, severity of the punishment, if the accusations entail a conviction and the nature of evidence in support of the accusations.

11.2. Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the Court in the matter of grant of bail.

11.3. While it is not accepted to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought to be always a prima facie satisfaction of the Court in support of the charge.

11.4. Frivolity of prosecution should always be considered and it is only the clement of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to have an order of bail.”

[Emphasis Supplied]

8. At this stage, the Applicant’s narrative that the relationship was voluntary cannot eclipse the *prima facie* case, particularly in the face of DNA confirmation and the victim’s testimony. Moreover, plea of ‘consensual sexual relationship’ is legally ineffectual and irrelevant as per statutory framework of the POCSO Act. The strict liability for penetrative sexual assault on a minor and the evidentiary presumptions embedded in the statute, tilts the balance against enlargement on bail during the pendency of trial, especially when the record discloses a plausible link between the accused and the offence.

9. The material on record reflects that the prosecutrix was found to be pregnant (as per MLC) and subsequently delivered a child. A forensic DNA report opines that the Applicant is consistent with being the biological father



of the child. These circumstances *prima facie* enhance the gravity of the allegations. As to the child's present medical condition, the Court refrains from drawing any causal conclusions in the absence of expert evidence; for present purposes, it suffices to note that the alleged conduct has consequences that extend beyond the prosecutrix and bear upon the welfare of the child.

10. Having regard to the gravity of the accusations, the nature of evidence, the advanced stage of the trial, and the parameters laid down by the Supreme Court in ***Bhagwan Singh***, this Court finds no ground to extend the concession of bail to the Applicant.

11. Accordingly, the present bail application stands dismissed. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

NOVEMBER 4, 2025/ab