



2025:DHC:10939



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: December 05, 2025*+ **BAIL APPLN. 4721/2025 & CRL.M.A. 36365/2025****ABHISHEK KUMAR**

.....Applicant

Through: Mr. Tarunesh Kumar, Mr.
Kaushikesh Kumar, Mr.
Subhash Kumar and Mr.
Tushar Kanth, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Meetu Yadav, PS Sangam
Vihar.**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The present application is filed by the applicant seeking regular bail in FIR No. 260/2025 dated 12.06.2025, registered at Police Station Sangam Vihar for the offences under Sections 376 of the Indian Penal Code, 1860 ('**IPC**') and Sections 6/21 of the Protection of Children from Sexual Offences Act, 2012 ('**POCSO**').

2. The FIR in the present case was registered pursuant to a statement made by the prosecutrix, wherein, she alleged that in 2023 she met the applicant and developed a friendship with him.

It is alleged that thereafter the applicant met the grandmother of the prosecutrix and told her that he wanted to marry the



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prosecutrix.

3. It is alleged that the grandmother of the prosecutrix agreed to the request of the applicant and allowed him to take the prosecutrix with him.

4. It is alleged that on 08.04.2024, the applicant brought the prosecutrix to the house of his friend namely Sumit where her wife namely, Uma and one lady namely, Roli were also present.

5. It is alleged that in the presence of the aforesaid persons the applicant applied *sindoor* to the prosecutrix and told her that they have gotten married.

6. It is alleged that, thereafter, the prosecutrix and the applicant stayed in a room on rent, whereafter, the applicant established sexual relations with the prosecutrix.

7. It is alleged that the applicant started to beat and abuse the prosecutrix. It is alleged that the prosecutrix informed the same to her grandmother. It is alleged that later she informed regarding the alleged incident to her mother, pursuant to which the present FIR was registered.

8. During the course of investigation, the prosecutrix was taken to All Indian Institute of Medical Sciences for medical examination, whereafter, her statement under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS').

9. Subsequently, on 13.06.2025 the applicant was arrested in the present case.

10. The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the

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11. He submits that the applicant and prosecutrix were in a consensual relationship.

12. He submits that the applicant had no knowledge that the prosecutrix was minor and the applicant had married the prosecutrix believing her to be major. He submits that the prosecutrix herself had accompanied him to the grandmother to seek her approval for marriage.

13. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the present applicant. He consequently prays that the present application be dismissed.

14. I have heard the learned counsel for the parties and perused the record.

15. The Hon'ble Apex Court in catena of judgments has consistently emphasized the factors to be taken into account when considering bail application, which include: (i) the nature or gravity of the offense; (ii) the character of the evidence and circumstances unique to the accused; (iii) the likelihood of the accused evading justice; (iv) the potential impact of the release on prosecution witnesses and its societal repercussions; and (v) the probability of the accused engaging in tampering.

16. The grant of bail should not be arbitrary or whimsical. Being conscious of the fact that individual liberty holds immense significance, it is incumbent upon the Courts to examine and evaluate, albeit briefly, factors such as the *prima facie* case, the nature and severity of the crime and the accused's likelihood to

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above.

17. It is the case of the prosecution that the applicant had established sexual relations with the prosecutrix. It is further alleged that the applicant used to beat and abuse the prosecutrix.

18. The prosecutrix in her statement under Section 183 of the BNSS stated that it was the applicant who had approached the grandmother of the prosecutrix for marriage. She stated that on 08.04.2024 the applicant married the prosecutrix. She stated that the applicant used to demand money from the grandmother of the prosecutrix. She alleged that in May 2025 the applicant had forcibly established sexual relations with her. She further alleged that on 10.06.2025 the applicant burned the hand of the prosecutrix with a hot pan and thereafter tried to kill her with a mobile charging cable.

19. The learned counsel for the applicant argued that the applicant and prosecutrix were in a consensual relationship.

20. It is stated that the prosecutrix was 15 years of age at the time of the alleged offence. In the opinion of this Court the prosecutrix being a minor was incompetent to provide any consent for marriage.

21. At this stage the allegations levelled against the applicant *prima facie* are serious in nature and cannot be said to be without any material. The defence of the applicant that he was in a consensual relationship with the applicant would be tested during the course of trial and cannot be commented upon at the stage of bail.

Signature Not Verified 22. Further, the prosecutrix being a minor, the apprehension of

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the applicant influencing the prosecutrix and other witnesses cannot be overlooked.

23. In view of the aforesaid discussion, this Court is of the opinion, that no ground for grant of regular bail has been made out by the applicant.

24. The present application is accordingly dismissed. Pending Application(s), if any, also stand disposed of.

25. It is made clear that the observations made in the present case are only for the purpose of considering the bail applications 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.

AMIT MAHAJAN, J

DECEMBER 5, 2025

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