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

+ **BAIL APPLN. 156/2026**

AMIT KUMAR

.....Petitioner

Through: Mr. M. Begum, Mr. Sumit Singh, Ms.
Avneet Kaur, Mr. Rajesh Kumar,
Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP
SI Sheetal
Mr. Arhum Sayeed, Adv. for Victim.
(*through* VC) with Mr. Rahil Ahmed
and Mrs. Aleeza Rais.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER
02.07.2026

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1. This hearing has been done through hybrid mode.
2. This is First Bail Application filed by the Applicant seeking grant of regular bail under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter '*CrPC*') read with Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in FIR No. 334/2025 under Section 64 (1) of Bharatiya Nyaya Sanhita, 2023 read with Section 4 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the '*POCSO Act*'), registered at Police Station - Hauz Khas.
3. Learned counsel for the Applicant submits that the investigation stands concluded, the charge sheet has already been filed, charges have been framed and the testimony of the prosecutrix has already been recorded.
4. He further submits that there is now no threat or pressure being exerted



by the Applicant upon the prosecutrix. He also submits that the mobile phone of the prosecutrix was not seized and there is no scientific or electronic evidence on record. He further submits that though there was no CCTV camera at the place where the alleged offence is stated to have been committed, it was nevertheless the duty of the Investigating Agency to collect the CCTV footage of the college premises, which has not been done. It is further submitted that the Applicant has been in judicial custody for the last ten months in a false case and, therefore, he be released on bail.

5. Learned APP for the State submits that the Applicant was working as a Lab Technician in the college where the prosecutrix was studying. He induced the prosecutrix into a relationship on the pretext of love and thereafter subjected her to sexual assault. Subsequently, when the prosecutrix came to know that the Applicant was already married and had a child, she confronted him, but the Applicant kept avoiding the issue on one pretext or another. He further submits that although the testimony of the prosecutrix has already been recorded before the learned Trial Court, she has remained consistent throughout, in her statement recorded under Section 164 CrPC, as well as in her deposition before the learned Trial Court. He submits that, considering the gravity of the allegations, the Applicant is not entitled to the grant of bail at this stage.

6. Learned counsel for the victim, appearing through video conferencing, adopts the submissions advanced by the learned APP for the State.

7. He further submits that even if there is any lapse on the part of the Investigating Agency, the victim ought not to suffer for such lapses. He submits that, instead of Section 4 of the POCSO Act, charges ought to have been framed under Section 6 of the said Act. He further submits that it was



the Applicant who deceived the prosecutrix and lured her into a relationship. It is also submitted that there is no concept of a victim being on the verge of attaining majority, as Section 2(d) of the POCSO Act clearly defines a child as a person who has not attained the age of eighteen years. The allegations against the Applicant are serious in nature.

8. It is further submitted that the Applicant was working as a Lab Technician in the very college where the prosecutrix was studying, which is stated to be a girls' college.

9. Keeping in view the nature and gravity of the allegations, and also the fact that the Applicant was working in a fiduciary capacity, no ground for grant of bail is made out at this stage.

10. Accordingly, the present application is dismissed. Pending application(s), if any, stands disposed of.

11. The order be uploaded on the website forthwith.

MADHU JAIN, J

JULY 2, 2026/prg/P