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

+ **BAIL APPLN. 453/2026**

AJAY

.....Applicant

Through: Mr. Sarthak Karol, SC (DHCLSC)
with Mr. Laksh Khanna, Ms.
Tanishka Pawar, Ms. Bhuvakshi
Singh and Ms. Riya Jain, Advs.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP with Ms.
Upasna Bakshi, Ms. Divya Bakshi,
Mr. Aditya Vikram Singh and Mr.
Gourav Singh, Advs.
SI Kamlesh, PS.: Saket
Mr. Anuj Kapoor, Adv. (DHCLSC)
with Mr. Nandeesh Nanda and Mr.
Shivom Sethi, Advs, for prosecutrix

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

19.05.2026

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1. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of regular bail in FIR No.436/2024 dated 25.09.2024 registered at PS: Saket under *Sections 65(1)/137(2)* of the Bharatiya Nyaya Sanhita, 2023 (**BNS**) and *Section 6* of the Protection of Children from Sexual Offences Act, 2012 (**POCSO Act**).
2. *Briefly put*, the present FIR was registered on the complaint of the mother of the prosecutrix as she was missing. During investigation, the



prosecutrix was traced and medically examined, wherein she was found pregnant. Her age was determined as 15 years and 6 months. In her statements under *Sections 180 and 183 BNSS*, she made specific allegations against the applicant, pursuant whereof, the applicant was arrested from Rajasthan.

3. In these facts, this Court has heard learned counsel for the applicant, learned APP for the State and learned counsel for the complainant.

4. In view of the offences and the POCSO Act involved, the allegations against the applicant are both serious and heinous in nature as the victim was sexually assaulted when she was a minor aged about only *15 years 6 months*, which resulted in her pregnancy. Moreover, at the time of the alleged incident, the applicant himself was not only around *26 years* old but was already married and father to a child. So, factors like the relationship *inter se* the victim and him was consensual and/ or that there are no marks exhibiting forcible assaults and/ or that the victim was in a relationship with him and/ or anything of that sort fade into insignificance, at least for granting bail to the applicant at this stage.

5. Moreover, though learned counsel for applicant has raised an issue regarding certain discrepancies in the statements of the prosecutrix, however, the same being a matter of trial, need not be considered at this stage. In fact, as per ***Satish Jaggi v. State of Chhattisgarh & Ors:2007 (11) SCC 195*** the Court is not expected to undertake a meticulous appreciation of evidence.

6. As such, though the victim has given a '*No Objection*' for grant of bail, however, in view of the aforesaid circumstances, and whence charges have already been framed by the learned Trial Court in the present case



relating to *Section 6* of the POCSO Act where the statutory presumption under *Section 29* thereof gets activated, thereby increasing the threshold for grant of bail, the present bail application is dismissed.

7. Needless to say, since the expression of opinion, if any, are for the purposes of adjudicating the present application only, they have no bearing on the overall merits/ trial involved.

SAURABH BANERJEE, J

MAY 19, 2026/bh