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

+ **BAIL APPLN. 538/2026**

SUMIT

.....Petitioner

Through: Mr. Mahavir Singh, Ms. Panchajanya
Batra Singh and Mr. Himalaya Singh,
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State with SI Rakhi and along
with the parents of the prosecutrix.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

08.04.2026

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1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 179/2025, registered at Police Station Jyoti Nagar, Delhi for the commission of offences punishable under Sections 376/506 of the Indian Penal Code, 1860 (hereafter '*IPC*').

2. Briefly stated, the facts of the case are that the present FIR was registered on the complaint of the prosecutrix 'T', who alleged that about six years prior to the registration of the FIR, when she was about 15 years of age, the present accused/applicant Sumit used to reside on rent in front of her house. It is alleged that the applicant used to call her to his room on the pretext of playing video games on his mobile phone. On one such occasion, while she was present in his room, the applicant had given her a cold drink,



upon consuming which she had become unconscious. She was sexually assaulted by the applicant, and his brother i.e. co-accused Shivam had prepared inappropriate/obscene videos of her. It is further alleged that the prosecutrix was subjected to sexual assault by the applicant and was continuously blackmailed by him over a period of the six years. It is also alleged that the applicant had created 2–3 Instagram IDs in the name of the prosecutrix and had uploaded her inappropriate photographs/videos, and further circulated the same to her relatives and friends. On these allegations, the present FIR came to be registered.

3. During the course of investigation, the medical examination of the prosecutrix was conducted at GTB Hospital *vide* MLC No. G-49/2025, wherein the mother of the prosecutrix refused to permit her internal examination. The statement of the prosecutrix under Section 183 of the BNSS was also recorded before the learned Magistrate, wherein she supported the allegations levelled in the FIR. The co-accused Shivam was arrested on 16.04.2025 and was subsequently granted regular bail by the learned Sessions Court on 30.04.2025. The age-related documents of the prosecutrix, as verified from the concerned school, reveal that she was a minor at the time of the alleged incident. The Call Detail Records (CDRs) of the prosecutrix and the applicant also indicate that they were in frequent telephonic contact. The anticipatory bail application of the applicant herein was dismissed on 09.06.2025, following which he was arrested on 19.06.2025 and has been in judicial custody. Upon completion of investigation, charge-sheet for offence under Sections 354/376/506 of the IPC and Sections 6/12 of the POCSO Act was filed before the concerned Court.



4. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in the present case and is in judicial custody since 19.06.2025, i.e. for more than nine months, despite having cooperated with the investigation pursuant to interim protection granted earlier. It is contended that the relationship between the applicant and the prosecutrix was consensual in nature and had continued for a considerable period, with the knowledge and approval of the families, and the present FIR has been lodged only after certain disputes arose between them, after an inordinate delay of six years. It is argued that though the allegations against the applicant are also that he had posted inappropriate photographs and videos of the prosecutrix on Instagram after creating an ID in her name, no such video or photograph has been recovered during investigation and further that the investigation has revealed that the alleged fake Instagram IDs were created from the mobile phone belonging to another person i.e. Yogesh, who has been made a witness and not an accused by the I.O. It is also argued that co-accused Shivam, who is brother of the applicant, has already been granted regular bail. Accordingly, it is prayed that the applicant be enlarged on bail.

5. The learned APP for the State, on the other hand, opposes the present bail application and argues that the allegations against the applicant are serious in nature and pertain to sexual assault and exploitation of a minor, coupled with circulation of obscene material. It is argued that the obscene photographs and videos of the prosecutrix were posted on fake Instagram IDs of the prosecutrix, which were created and operated by the present applicant. It is further submitted that the statement of the person in whose name the mobile number linked to the said Instagram IDs is registered, i.e.



Yogesh, clearly supports the case of the prosecution and establishes that the said number was being used by the present applicant. It is also contended that the prosecutrix, in her statement recorded under Section 183 of BNSS, has also supported the case of prosecution. It is further argued that the charges are yet to be framed and therefore, in view of the seriousness of the allegations and the material collected during investigation, the present application for grant of bail be dismissed.

6. This Court has **heard** arguments addressed on behalf of the applicant as well as the State, and has perused the material available on record.

7. At the outset, it is to be noted that the allegations in the present case are not only of sexual exploitation of a minor but also of recording and dissemination of inappropriate and obscene videos and photographs of the prosecutrix on social media platforms. The prosecutrix, in her statement recorded under Section 183 of the BNSS, has supported the allegations levelled in the FIR.

8. The contention of the learned counsel for the applicant that the mobile number – linked to the creation of the fake Instagram IDs of the prosecutrix – was registered in the name of one Yogesh Kumar does not advance the case of the applicant at this stage. This Court notes that during the course of investigation, it was revealed that the applicant had allegedly created Instagram IDs in the name of the prosecutrix and had posted inappropriate and obscene videos and photographs of her on the said accounts, the details of which were obtained from Meta AI. Although the mobile number linked to these Instagram IDs was registered in the name of Yogesh Kumar, a perusal of the statement of Yogesh Kumar recorded under Section 161 of the



Cr.P.C. reveals that the said mobile number was being used by the present applicant Sumit. Yogesh Kumar has further stated that it had come to his knowledge that the applicant had created Instagram accounts using the said number and had posted inappropriate and obscene photographs and videos of the prosecutrix.

9. It has also come on record that even after the grant of bail to the co-accused Shivam Kumar in April 2025, the present applicant had continued to access and operate the said Instagram accounts without the consent of the prosecutrix. The technical logs and screenshots collected during the course of investigation also *prima facie* substantiate such unauthorized access and use.

10. This Court is also of the view that the plea of parity raised on behalf of the applicant also does not merit acceptance at this stage. The co-accused Shivam Kumar, who has been granted regular bail, is attributed a different role from that of the present applicant. The allegation against the co-accused is limited to recording obscene videos and photographs of the prosecutrix, whereas the allegations against the applicant herein are *two-fold*: firstly, of sexually assaulting the prosecutrix and secondly, of creating fake Instagram accounts in her name and posting her inappropriate videos and photographs on the said platforms. In view thereof, the applicant Sumit cannot claim parity with the co-accused Shivam.

11. This Court also cannot lose sight of the fact that posting inappropriate photographs and videos of a person, particularly a minor, on social media platforms such as Instagram has far-reaching consequences. In the present digital age, once such material is uploaded, it can be circulated, shared, and



replicated widely within a short span of time, often beyond the control of the person affected. The harm caused by such acts cannot be assessed merely in terms of the punishment that the offence may attract under law. Such acts have the potential to inflict deep and lasting damage upon the dignity, privacy, and psychological well-being of the victim, and may also seriously affect the future prospects and social life of the young victim and her family.

12. It is also pertinent to note that the applicant herein is involved in another FIR registered in Meerut, Uttar Pradesh, for offence under Sections 294B/354D/323/384/328/506/366 of IPC, which is presently pending trial, and this aspect also cannot be ignored at this stage. Further, the charges are yet to be framed in the present case. Therefore, considering the seriousness of the allegations, the role attributed to the applicant, the material collected during investigation, and the stage of the case, this Court does not find any ground to grant bail to the applicant at this stage.

13. Accordingly, the present bail application is dismissed.

14. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

15. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 08, 2026/ns/zp
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