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

% *Date of Decision: 24.03.2026*

\+ **BAIL APPLN. 967/2024**

ANIL YADAV .....Petitioner

Through: Mr. Bibek Tripathi and Mr. Ajay Kr. Srivastava, Advocates.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Sanjeev Sabharwal, APP with Inspector Bhoopender Kumar and SI Sweety Malik, PS Paharganj.
Ms. Astha, DHCLSC (*through videoconferencing*) and Ms. Megha Singh, Advocate for prosecutrix.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 394/2021 of PS Paharganj for offence under Section 366/323/342/376(3) IPC and Section 6 POCSO Act.

1.1 This bail application came up for the first hearing on 18.03.2024 before the predecessor bench and thereafter continued getting adjourned before different benches. Along with 179 such old pending bail applications, this application also was transferred to this bench.

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1.2 Today is the first effective hearing before me.

2. I have heard learned counsel for accused/applicant and learned APP for State assisted by IO/SI Sweety Malik. I have also heard learned counsel for prosecutrix.

3. Broadly speaking, the prosecution case is that the accused/applicant, who was treated as brother by the 13 year old prosecutrix (*the prosecutrix also tied rakhi on the accused/applicant*), took her to a hotel on a false pretext and forcibly raped her after gagging her with a cloth.

4. Learned counsel for accused/applicant submits that the only ground on which he is pressing for grant of bail is that the accused/applicant is in custody for past four and half years and the trial has almost concluded. No other ground has been raised.

5. Learned APP for State and learned counsel for prosecutrix strongly oppose the bail application on the ground of gravity of offence. It is also submitted by learned APP on instructions of IO that the prosecutrix has completely supported the prosecution case during her testimony before the trial court, and now only two formal witnesses of police remain to be examined.

6. In her FIR, the prosecutrix has narrated the incident in detail including the manner in which she tried to resist but was immobilized by the accused/applicant, who even gagged her with cloth. It is not a case of only alleged rape. It is a case of the alleged rape where the prosecutrix used to

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treat the accused/applicant as brother and tied *rakhi* on him, thereby trusted him.

7. As mentioned above, prosecutrix has supported the prosecution case during her testimony before the trial court.

8. So far as the period of incarceration is concerned, the offence under Section 6 POCSO Act with which the accused/applicant has been charged is punishable with imprisonment for a term which shall not be less than 20 years but which may extend to imprisonment for life and the life imprisonment shall be for remainder of natural life of the accused/applicant. As mentioned above, trial has almost concluded and only two witnesses, that too formal ones remain to be examined.

9. Considering the above circumstances, I do not find it a fit case to grant bail. Therefore, the bail application is dismissed.

10. Copy of this order be sent to the jail superintendent for being conveyed to the accused/applicant forthwith.

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GIRISH KATHPALIA
(JUDGE)

MARCH 24, 2026/*dr*

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