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

+ **BAIL APPLN. 1369/2026**

SUNNY@SANNI KUMAR

.....Petitioner

Through: Mr. Tarun Narang & Mr. Chandan
Kumar, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI & ANR.Respondent

Through: Mr. Yudhvir Singh Chauhan, APP
SI Varsha, PS Subhash Place.
Mr. Rahul Baisla, Mr. Hemant
Baisla & Ms. Twinkle Kharwal,
Advocates for Complainant.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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07.05.2026

1. By way of the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the applicant seeks regular bail in connection with FIR No. 249/2025 dated 13.04.2025, registered at Police Station Subhash Place, District North-West, Delhi, under Section 137(2) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"].
2. I have heard Mr. Tarun Narang, learned counsel for the applicant, Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor for the State, and Mr. Rahul Baisla, learned counsel for the complainant.
3. Pursuant to the order dated 08.04.2026, a status report has been placed on record.
4. The allegations against the applicant are under Sections 61(2)/64(1)/123/137(2)/308(2)/351 of the BNS read with Sections 6 and



17 of the Protection of Children from Sexual Offences Act, 2012 [“POCSO”].

5. The subject FIR was registered at the instance of the father of the prosecutrix on 13.04.2025, recording that the prosecutrix, who was then 17 years of age, was missing from home. The prosecutrix was traced in Hyderabad and was recovered from there and brought to Delhi.

6. In the first statement of the prosecutrix recorded under Section 180 of the BNSS, as also in her statement recorded under Section 183 of the BNSS on 19.04.2025, the prosecutrix did not make any allegation of sexual assault. The police filed a cancellation report on 06.08.2025. However, in the course of proceedings on 04.09.2025 before the Court, the prosecutrix for the first time levelled an allegation of sexual assault against the present applicant. The Court therefore directed further investigation, in the course of which she made a further statement under Section 183 of the BNSS on 23.09.2025, in which specific allegations were made against the applicant with regard to making a sexual relationship with the prosecutrix against her will.

7. Mr. Narang submits that the facts of the present case show that the prosecutrix has changed her version between the first statement under Section 180 of the BNSS and Section 183 of the BNSS recorded in April 2025 and the second statement, which was recorded only in September 2025. He submits that the relationship between the applicant and the prosecutrix was purely consensual, and there is no allegation of a sexual relationship until the second statement under Section 183 of the BNSS. He has drawn my attention to transcripts of certain WhatsApp conversations between the parties to submit that there was, in fact, a



consensual relationship and affection between the parties.

8. Mr. Chauhan and Mr. Baisla, however, submit that the second Section 183 statement contains detailed and specific allegations against the present applicant. The prosecutrix, who was then aged 16 years, was also lured away from her home to Hyderabad, where the offence was allegedly committed. It is submitted that the prosecutrix is yet to give evidence in the case, and release of the applicant at this stage would have the potential of jeopardising the integrity of the trial.

9. Having heard learned counsel for the parties, I am of the view that it is not appropriate to release the applicant on bail at this stage. The offences of which he is accused include Section 64 of BNS and Sections 6 and 17 of POCSO. The prosecution case is that the applicant was lured away from Delhi to Hyderabad, and there is a specific allegation that he established physical relationship with her and also threatened her with publication of objectionable videos. The consent of the minor victim is legally irrelevant even though it may, in certain circumstances, be a consideration at the stage of bail.

10. The arguments advanced by Mr. Narang regarding the alleged contradiction between the original statements of the complainant and her subsequent statement recorded under Section 183 of the BNSS is a matter to be tested during trial. Mere delay in recording the second statement is not, by itself, fatal to the prosecution case, particularly in offences under the POCSO Act. It may also be noted that, while recording the first statement, the learned Magistrate noted that the prosecutrix appears to suffer from a learning disability. In such circumstances, the alleged contradictions in her statements cannot, at this stage, be considered fatal



to the prosecution case.

11. Having regard to the specific allegations made against the applicant, I am of the view that it would not be appropriate to release him on bail, particularly at a stage when the prosecutrix is yet to depose. The applicant has remained in custody for approximately six months, which, at this stage, does not constitute such prolonged incarceration as to justify the granting of bail. It is also noted that the trial proceedings are already listed on 12.05.2026 for framing of charges.

12. Having regard to the aforesaid facts, I am not inclined to release the applicant at this stage.

13. The bail application is therefore dismissed.

14. It is clarified that this Court has not made any observation on the merits of the case, and all rights and contentions of the parties in any future application are left open.

PRATEEK JALAN, J

MAY 7, 2026
'pv/JM'/