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

+ **BAIL APPLN. 1363/2026 & CRL.M.A. 10677/2026**

DEEPANSHU DAGAR

.....Applicant

Through: Mr. Vivek Sood, Senior Advocate
with Mr. Imtiaz Hussain, Ms.
Medhavi Judeni, Ms. Pankhuri Jain
and Ms. Sanskruti Tiwari,
Advocates.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondent

Through: Ms. Manjeet Arya, APP with IO.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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08.04.2026

CRL.M.A. 10678/2026 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 1363/2026

1. By way of the present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks anticipatory bail in connection with FIR No. 17/2026 dated 24.02.2026, registered under Section 351(3) of the Bharatiya Nyaya Sanhita, 2023, and Section 10 of the Protection of Children from Sexual Offences Act, 2012 [“the POCSO Act”].

2. The FIR was registered at the instance of the applicant’s minor sister-in-law [wife’s sister]. The prosecutrix made a complaint on



10.02.2026, in which she alleged that, on 10.01.2026, she visited her sister at her matrimonial home, and stayed for two to three days, as her sister was complaining of harassment at the hands of her husband's family. It is further stated that, on the night of 12.01.2026, at approximately 2:30 AM, when she was sleeping, the applicant lay down next to her, and the incident in question took place. The allegations against the applicant include kissing the minor, touching her chest, and penetration by finger. It is stated that, upon the prosecutrix protesting, the applicant's mother entered the room and sent the applicant away, after which he threatened her and her family, in the event she told anyone about the incident. The prosecutrix further stated that she did not reveal the incident to anyone out of fear, and that she had also seen the applicant near her school. She informed her mother about the incident only on the day of the complaint, upon which the FIR was registered.

3. Mr. Vivek Sood, learned Senior Counsel for the applicant, submits that the present FIR is an obvious counter-blast to matrimonial disputes between the applicant and his wife, who is the sister of the prosecutrix. He submits that the marriage between the applicant and his wife was solemnized on 06.02.2023, but the applicant recently discovered that his wife was already married to another person, and the marriage was subsisting, at the time her marriage with the applicant was solemnized. It is stated that the applicant's wife left her matrimonial home on 14.01.2026. She made a complaint to the police on 16.01.2026, in respect of her matrimonial grievances, in which there is no mention of the incident involving her sister [the prosecutrix in the subject FIR]. It is only much thereafter, on 10.02.2026, that the prosecutrix's complaint was



made. Proceeding on the basis of this chronology, Mr. Sood submits that there is no material whatsoever to support the allegations, and that the liberty of the applicant ought be protected.

4. Ms. Manjeet Arya, learned Additional Public Prosecutor, however, submits that the statement of the prosecutrix has been recorded before the learned Magistrate under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [“BNSS”], on 27.02.2026, in which the allegations in the FIR are reiterated. Having regard to the seriousness of the offence, Ms. Arya opposes the grant of anticipatory bail. A copy of the statement under Section 183 of the BNSS has been handed over and the same is taken on record.

5. Ms. Arya has also pointed out that the applicant has another criminal involvement [FIR No. 159/2021 registered at Police Station Special Cell, District North-East, New Delhi, under Sections 186/353/307/34 of the Indian Penal Code, 1860, and Sections 25/27 of the Arms Act, 1959]. Mr. Sood submits that the applicant is presently on bail in that case.

6. At the outset, it must be noted that the present application is for anticipatory bail. The Supreme Court has clearly held that this is an extraordinary remedy, which Courts should be circumspect in granting. A judicious balance must be struck, between the personal liberty of the accused, and public interest in a fair and effective investigation. In this connection, reference may be made to the judgment in *Srikant Upadhyay v. State of Bihar*¹, which held as follows:

“30. We have already held that **the power to grant anticipatory bail is**

¹ (2024) 12 SCC 382.



an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the court depending on the facts and circumstances of each case. While called upon to exercise the said power, the court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the court shall not pass an interim protection pending consideration of such application as the section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously defying orders and keeps absconding is not entitled to such grant.”²

7. While making an assessment in these terms, the Court is also required to bear in mind that custodial interrogation has been found to be more effective than interrogation while the accused is clothed with the protection of the Court. Reference in this connection may be made to the judgments in *State v. Anil Sharma*³, and *P. Krishna Mohan Reddy v. State of Andhra Pradesh*⁴. Further, even in cases where custodial interrogation is not required, the Supreme Court has held that *prima facie* material must be examined at the stage of anticipatory bail⁵.

8. Applying these principles to the facts of the present case, I am of the view that, on balance, this is not a fit case for the grant of such extraordinary relief. The allegations under the POCSO Act are, without

² Emphasis supplied.

³ (1997) 7 SCC 187.

⁴ 2025 SCC OnLine SC 1157.

⁵ *Sumitha Pradeep v. Arun Kumar C.K.*, 2022 SCC OnLine SC 1529 [paragraph 12].



doubt, serious offences. In the present case, the allegations pertain to a close relative of the applicant, being his minor sister-in-law. While the applicant's submission, with regard to the FIR being motivated by mala fides, will have to be tested at the appropriate stage, for the present, the statement made by the prosecutrix before the learned Magistrate under Section 183 of the BNSS provides *prima facie* supporting material. In cases of sexual offences, it is well settled that the statement of the prosecutrix alone, if otherwise credible, may be sufficient to form the basis of conviction⁶.

9. Having regard to the nature of the offence, the close relationship of the applicant with the minor prosecutrix, and the statement recorded under Section 183 of the BNSS, I am not inclined to grant anticipatory bail to the applicant.

10. The present bail application, alongwith pending application, is accordingly dismissed.

11. Needless to say, the observations in this order are only for the purpose of deciding the present bail application, and are not intended to prejudice the applicant's case on merits.

PRATEEK JALAN, J

APRIL 8, 2026
'SV/KA'

⁶ *Ganesan v. State*, (2020) 10 SCC 573 [paragraph 10]; *Bhanei Prasad v. State of H.P.*, 2025 SCC OnLine SC 1636 [paragraph 6].