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

+ **BAIL APPLN. 1566/2026**

ASHWANI NAIN

.....Petitioner

Through: Mr. Satish Tamta, Senior Advocate
with Ms. Nisha Narayanan, Mr.
Vikramaditya Bhaskar, Ms. Sonika
Rathore and Mr. Anuj Tomar,
Advocates.

versus

THE STATE (GOVERNMENT OF NCT OF DELHI) AND ANR

.....Respondents

Through: Mr. Shoaib Haider, APP for the State.
SI Santosh Sirohi, P.S.: GTB Enclave,
Delhi.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **22.04.2026**

CRL.M.A. 12493/2026 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed of.

BAIL APPLN. 1566/2026

By way of the present petition filed under section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks anticipatory bail in case FIR No. 45/2026 dated 12.02.2026 registered under sections 65(1)/351(3) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and section 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act') at P.S.: G.T.B. Enclave, Delhi.



It is noticed that the prosecutrix has been impleaded as party-respondent No.2 in the matter. This is un-called for.

In light of what has been observed by this court in ***Saleem vs. State of NCT of Delhi and Anr***¹, respondent No.2 is deleted from the array of party-respondents.

The allegation in the FIR is that the petitioner, who at the relevant time was about 25-26 years of age, has committed offences under section 65(1)/351(3) of BNS and section 6 of the POCSO Act against the prosecutrix, who was about 15 years old at that time.

Considering the allegations and the fact that the petitioner has not yet joined investigation, this court is not inclined to allow the present petition; which is accordingly dismissed.

Petition stands disposed-of.

Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

APRIL 22, 2026/ak

¹ 2023:DHC:2622