



2026:DHC:3535



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

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Date of Decision: 27.04.2026+ **BAIL APPLN. 1604/2026 & CRL.M.A. 12874/2026****SANJAY CHAUHAN & ANR.**

.....Petitioners

Through: Mr. Himanshu Saxena, Advocate
(through video conferencing)

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with IO/WSI Seema.**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 592/2023 of Police Station Najafgarh for offence under Section 376 IPC and Section 4 POCSO Act.

2. Broadly speaking, the allegation against the accused/applicant is that he used to visit the kiosk of father of the prosecutrix to purchase cigarettes and that is how he developed friendship with her. Once the prosecutrix was returning home by foot, the accused/applicant suddenly stopped his motorcycle and asked her if he could drop her home. The prosecutrix agreed

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because of acquaintance with him. At that stage, the accused/applicant kissed her and took a picture. On being asked to delete that picture, the accused/applicant stated that he would show the picture to her parents. After that the accused/applicant repeatedly called her at night for sexual favours. This is extracted from testimony of the prosecutrix before the trial court.

3. Learned counsel for accused/applicant submits that he is in custody since 30.12.2023 and the trial has almost concluded, so the accused/applicant deserves to be released on bail. It is further submitted that since the trial is proceeding at a slow pace, the accused/applicant be granted bail. Learned counsel for accused/applicant also submits that the prosecutrix and her parents have no objection if the bail is granted to the accused/applicant.

4. On the other hand, learned APP for State assisted by IO/WSI Seema strongly opposes the bail application on the ground that the prosecutrix was aged hardly 15 years at the time of the alleged incident, so even her consent, if at all there was any, is not relevant.

5. In view of the fact that trial has almost concluded, it would not be appropriate for this court to make any observation regarding the nature of relationship between the accused/applicant and the prosecutrix. At present, what is to be kept in mind is that age of the prosecutrix at the time of the alleged incident was hardly 15 years. The issue as to whether the prosecutrix was coerced into sexual relations or it was her voluntary decision, even if

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the age of consent is ignored, would be within the domain of the trial court by way of analysis of prosecution evidence. Trial, as mentioned above has almost concluded.

6. In view of the aforesaid, I do not find it a fit case to release the accused/applicant on bail. The present bail application and the accompanying application are dismissed.

7. But the learned trial court is directed to ensure that the entire sessions case, in which the present bail application has been filed, is disposed of within a period of three months from today, provided the accused/applicant does not take any adjournment. Copy of this order be sent to the learned trial court forthwith.

8. Copy of this order be also sent to concerned Jail Superintendent for being informed to the accused/applicant.

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(JUDGE)**

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