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

\# **CNR No. DLHC010248562026**

\+ BAIL APPLN. 2066/2026 & CRL.M.A. 17127/2026

MAN SINGH .....Petitioner

Through: Mr. Mayank Chauhan, Advocate.

versus

THE STATE (NCT OF DELHI) & ANR. .....Respondents

Through: Mr. Mukesh Kumar, APP for State.
Mr. Neeraj, Advocate for victim along with victim and her mother.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

O R D E R

% 04.11.2026

CRL.M.A. 17127/2026 (*exemption*)

1. Allowed, subject to all just exceptions.

BAIL APPLN. 2066/2026

2. The present application has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') read with Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.'). for grant of regular bail in connection with FIR No. 128/2025 registered under Sections 74/64(1) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and Section 4/8 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO') at Police Station Begumpur dated 19th February, 2025.

3. Notice in the present application was issued on 26th May, 2026.

4. It is stated that the applicant was arrested on 6th March, 2025 and has

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remained in judicial custody since then.

5. Briefly stated, the case of the prosecution is that the prosecutrix initially filed a complaint against one Vivek, alleging sexual assault by the said Vivek. Subsequently, the prosecutrix was informed that she was pregnant and the prosecutrix made allegations of rape against the applicant, i.e., her uncle, following which the applicant was arrested.

6. The chargesheet has been filed and charges in the case have been framed on 17th August, 2026.

7. Counsel appearing on behalf of the applicant submits that both the prosecutrix as well as her mother has turned hostile and have not supported the case of the prosecution.

8. He has drawn attention of the Court to the statement of the prosecutrix and the mother of the prosecutrix, as recorded before the Trial Court, wherein both the said witnesses have alleged the date of birth of the prosecutrix in her school records was wrongly furnished by the grandmother of the prosecutrix to secure admission in the school. Hence, the prosecutrix was a major at the time of the alleged incident.

9. Counsel for the applicant also places reliance on the judgment of the co-ordinate Bench of this Court in order dated 11th January, 2024, in BAIL APPLN. 4114/2023, titled '***Suryabhan Tiwari* v. *State NCT of Delhi***', where bail has been granted in similar circumstances.

10. The prosecutrix as well as her mother are present in Court and are represented by an Advocate. They do not oppose the present bail application.

11. Status report has been filed on behalf of the State opposing the present bail application.

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12. Mr. Mukesh Kumar, APP for the State submits that *dehors* the testimony of the prosecutrix and her mother, there is enough evidence to convict the applicant.

13. He submits that in terms of the DNA analysis, the DNA profile generated from the sample of the victim and the blood exhibit of the applicant, the applicant is the biological father of the product of conception of the victim.

14. He further submits that the age of the victim has been verified from the School Authorities and that she was a minor at the relevant time.

15. I have heard counsel for the parties.

16. From a perusal of the testimonies of the prosecutrix and her mother, it is evident that they have not supported the case of the prosecution. Both the aforesaid witnesses have also deposed that the prosecutrix was not a minor at the time of the alleged incident. However, I refrain from making any observation with regard to the credibility of the evidence on record. The same has to be tested in trial.

17. As per the nominal roll, the applicant has been in custody for a period of one (1) year eight (8) months. The applicant has clean antecedents and is not involved in any other case. The conduct of the applicant in jail has been 'satisfactory'.

18. In the present case, the material witnesses have already been examined, and the applicant does not appear to be a flight risk. Considering that the FSL reports and the age proof from the School Authorities have already been obtained, there is little risk of the applicant tampering with the evidence.

19. Considering the totality of the aforesaid facts and circumstances, the

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period of custody already undergone and the nature of evidence available at this stage, the present application is allowed and the applicant is directed to be released on bail, subject to the applicant furnishing personal bond in the sum of Rs.50,000/-, with one local surety in the like amount to the satisfaction of the Trial Court, and subject to the following conditions:

a. The applicant shall provide his latest mobile number(s) to the concerned Investigating Officer ("I.O.")/Station House Officer ("S.H.O."), which shall be kept in a working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the I.O.

b. The applicant shall furnish his permanent address to the I.O., as well as the address where he is residing during the pendency of the matter, within one (1) week from today, and will inform the I.O. and this Court in case of any change in address.

c. The applicant will appear before the Trial Court as and when the matter is listed for hearing.

d. The applicant shall not leave the country without the permission of the Court.

e. The applicant shall not commit any offence during the period of their release.

f. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.

20. The application is disposed of in the above terms.

21. Needless to state that any observations made herein are purely for the purposes of deciding the question of grant of bail and shall not be construed

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as an expression on the merits of the case.

22. Copy of the order be forwarded to the Jail Superintendent for necessary compliance.

AMIT BANSAL, J

NOVEMBER 4, 2026
at

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