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

+ **BAIL APPLN. 2966/2025**

**RAJ KUMAR SAMANTA**

.....Petitioner

Through: Mr. Suraj Prakash Sharma, Advocate  
(Through VC)

versus

**THE STATE (GOVT OF NCT OF DELHI).....Respondent**

Through: Ms. Priyanka Dalal, APP for State  
Mr. Vikas Walia, Mr. Yash Sharma  
and Mr. Arunodhya, Advocates for  
complainant  
SI Kajal Tyagi, PS Karol Bagh

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**ORDER**  
**12.02.2026**

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1. The brief facts of the case were captured when the matter was taken up on 05.02.2026 by this Court. These read as under: -

*"2. Initially, the prosecutrix had come up with allegation of sexual assault committed by her father. According to the prosecutrix, her father started sexually assaulting her when she was hardly 11 years of age, and such activity continued for around five years.*

*3. On the basis of her such complaint, her father was arrested.*

*4. However, the prosecutrix, in her statement recorded under Section 164 Cr.P.C. came up with another revelation and claimed that she had made such complaint against her father under the influence and direction of her tuition teacher i.e. applicant herein, with whom she was in a love-relationship.*

*5. Thereafter, she gave another hand-written complaint against her tuition teacher i.e. applicant, and on the basis of such complaint, applicant was arrested on 08.09.2023.*

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*6. Learned counsel for the applicant submits that as far as the father of the prosecutrix is concerned, he has already been discharged by the learned Trial Court, and presently, the applicant alone is facing trial for committing rape/sexual assault.*

*7. He submits that the prosecutrix has already been examined, and the applicant is in custody since 08.09.2023.*

*8. He submits that the Nominal Roll of the applicant is on record which does not indicate any prior involvement of any nature whatsoever.”*

2. However, since no notice of the application had been issued to the concerned prosecutrix, the matter was adjourned with direction to investigating officer to contact prosecutrix.

3. Prosecutrix has been contacted and her counsel Mr. Vikas Walia has also appeared and opposes present bail application. He submits that allegations against the accused are serious in nature as it was only at his threats that earlier the prosecutrix had named her father as the assaulter and, moreover, applicant resides in the same locality and there is chance of his, again, coming in her contact.

4. Learned counsel for the applicant strongly relies upon order dated 21.05.2025 passed in *Monti V. State (NCT of Delhi): 2025 SCC OnLine Del 3498*, wherein, under almost similar circumstances, the Co-ordinate Bench of this Court had, rather, granted anticipatory bail to the accused therein. In that case, prosecutrix had earlier levelled allegation of sexual assault against her father but subsequently, she claimed before police that she had not been raped by her father but was raped by another person, who was barber in the neighbourhood and since she had been threatened by such barber, she has, earlier, come up with a false case against her father.

5. Learned counsel for applicant also submits that in order to repel any



apprehension in the mind of prosecutrix, applicant, if released on bail, would not stay or visit the area where prosecutrix is residing at the moment i.e. Karol Bagh.

6. Keeping in mind that accused was arrested on 08.09.2023 and he has no prior involvement of any nature whatsoever, and the fact that prosecutrix has already been examined, applicant is directed to be released on bail on his furnishing personal bond and surety bond in a sum of Rs. 25,000/- each subject to the satisfaction of learned Trial Court, Chief Judicial Magistrate/Duty Judicial Magistrate First Class with the following conditions: -

- (i) Applicant shall not try to contact any of the witness, directly or indirectly.
- (ii) He shall not leave the National Capital Territory of Delhi without prior permission of learned Trial Court.
- (iii) Applicant shall furnish a mobile number to concerned IO on which he can be contacted, if required. Such number shall remain operational and functional.

7. Application stands disposed of in aforesaid terms.

8. A copy of this Order be immediately sent to the learned Trial Court and Jail Superintendent for information and necessary compliance.

**MANOJ JAIN, J**

**FEBRUARY 12, 2026/dr/pb**