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

+ BAIL APPLN. 3685/2025

MD. JASEEM

.....Applicant

Through: Mr. Faiz Imam, Adv.

Versus

STATE OF N.C.T. OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP for the State with
SI- Kamal, PS: Aman Vihar
Ms. Inderjeet Sidhu, Adv. for Victim/
prosecutrix.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

26.02.2026

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1. By virtue of the present application under *Section 439* of the Code of Criminal Procedure, 1973 (***Cr.P.C.***), the applicant seeks grant of regular bail in proceedings arising out of FIR No.382/2024 dated 10.06.2024 registered at PS: Aman Vihar, Rohini under *Sections 354/354(B)* of the Indian Penal Code, 1860 (***IPC***) and *Section 10* of the Protection of Children from Sexual Offences Act, 2012 (***POCSO Act***).

2. As per FIR, based on a statement of *eight-year-old* victim/prosecutrix on 10.06.2024, the Police proceeded to register an FIR. In essence, as per her, while playing in the street, the applicant approached her and took her to a hall-like place, wherein he removed her clothes and his own pants. Since she started yelling, he ran away from the place of the incident. During investigation, the applicant was taken into judicial custody on the same date.



3. The charge-sheet has since been filed on 29.07.2024 before the learned ASJ-04 (POCSO), North-West District, Rohini Courts, Delhi (*learned ASJ*). Applicant's earlier bail application before the learned ASJ has also been rejected *vide* order dated 03.12.2024.

4. Before this Court, it is the case of the applicant that he is a law-abiding citizen with clean antecedents, who has been wrongly implicated in the present proceedings. Further, since he has been in judicial custody for over a period of *one year nine months*, as also is newly married with a child less than one year of age, on humanitarian grounds, he is entitled to grant of bail.

5. On merits, drawing the attention of this Court to the contents of the FIR as well as the statement of the prosecutrix under *Section 161 Cr.P.C.*, learned counsel for the applicant submits that since even as per the case of the prosecution, the applicant had only touched the prosecutrix's legs, as per *Section(s) 7, 9 and 10* of the POCSO Act, no case is made out against the applicant. As such, the learned counsel prays that the applicant be released on bail.

6. Learned APP for the State has handed over a copy of the Status Report, which is taken on record.

7. Learned APP, as well as learned counsel for the prosecutrix opposing grant of bail submit that the alleged offence is serious in nature, and the case of the prosecution is fully supported by both Medical Report being MLC No.144/2024 dated 10.06.2024 conducted at Sanjay Gandhi Memorial Hospital which records that the applicant asked the victim to remove her pant and innerwear, as well as the statement of the prosecutrix under *Section 161 Cr.P.C.* where she has clearly stated that the applicant



removed her pant. They further submit that there is CCTV footage clearly showing the applicant taking the prosecutrix to the building where the alleged incident took place, and then showing him running away from the said premises, which has also been recorded by the learned ASJ in the order dated 03.12.2024 denying bail to the applicant.

8. Lastly, relying upon *Section 7* of the POCSO Act, learned APP as well as learned counsel for the prosecutrix submit that ‘... *any other act with sexual intent which involves physical contact without penetration...*’ also amounts to sexual assault, and further, since the prosecutrix was only *eight years old* when the incident took place, *Section 10* thereof is *prima facie* attracted. In view thereof, they submit that the present application ought to be dismissed.

9. Heard learned counsel for the applicant as also the learned APP for the State and the learned counsel for the prosecutrix and perused the documents on record as also the Status Report.

10. The principles with regards to grant of bail are well settled. As consistently held by the Hon’ble Supreme Court in ***Prasanta Kumar Sarkar vs. Ashish Chatterjee:(2010) 14 SCC 496***, ***State of U.P. vs. Amaramani Tripathi:(2005) 8 SCC 21*** and ***Deepak Yadav vs. State of U.P.:(2022) 8 SCC 559***, factors relevant for grant of bail include whether there is a *prima facie* case against the applicant; nature and gravity of the accusation; severity of punishment upon conviction; danger of evidence tampering and intimidation of witnesses; stage of trial; likelihood of offence repeating. Further, as held in ***Satish Jaggi vs. State of Chattisgarh & Ors.:(2007) 11 SCC 195***, at the stage of grant of bail, this Court is not to venture into a meticulous analysis of the evidence or



credibility of the witnesses which can only be tested through trial, but must only see the case against the applicant through a *prima facie* lens.

11. In view of the aforesaid as also based on the materials on record, there is no dispute that the nature of accusations levelled against the applicant is/ are grave in nature, involving aggravated sexual assault of a child of merely *eight years* of age, which carries a punishment upto *seven years* of imprisonment. Not only that, since the trial is at a nascent stage as the prosecutrix is yet to be examined, evidence/ witness tampering is a highly likely apprehension. Besides that, the applicant is residing in the very same neighbourhood as the prosecutrix.

12. In such a scenario, *prima facie*, granting bail to the applicant is likely to hamper the investigations and affect the trial and the overall pendency of the proceedings.

13. Moreover, the very object behind the POCSO Act is to afford special protection to the children, who are well-recognised as a vulnerable group in society.

14. Thus, in view of the aforesaid, no case for grant of bail to the applicant is made out. Accordingly, the present application is dismissed.

15. Needless to say, since the expressions of opinion, if any, are for purposes of adjudication of the present application only, they have no bearing on the overall merit/ trial of the case involved.

SAURABH BANERJEE, J.

FEBRUARY 26, 2026/Ab