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

+ BAIL APPLN. 4040/2025, CRL.M.A. 31448/2025, CRL.M.A. 6266/2026

SANJAY

.....Petitioner

Through: Mr. Rauf Rahim, Sr. Advocate with
Mr. Ali Asghar Rahim and Mr.
Mohsin Rahim, Advocates.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State
with SI Arti Singh, P.S.: Begumpur.
Ms. Sushree Sipra Sahu and Mr.
Ashok Kumar Singh, Advocates for
the prosecutrix.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

24.03.2026

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By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks regular bail in case FIR No. 208/2024 dated 07.04.2024 registered under section 363 of the Indian Penal Code, 1860 ('IPC') at P.S.: Begum Pur, Rohini, Delhi. Consequent upon completion of investigation, allegations of offences under sections 323/342/354/354(D)/366/376 IPC and section 6 of the Protection of Children from Sexual Offences Act 2012 ('POCSO Act'), have been added *vidé* chargesheet dated 23.08.2024 filed in the matter.



2. Notice on this petition was issued *vidé* order dated 17.10.2025.
3. Consequent thereupon, Status Report dated 18.12.2025 alongwith SCRB record dated 23.08.2024 have been filed on behalf of the State.
4. Nominal Roll dated 06.03.2026 has been received from the Jail Superintendent.
5. The court has heard Mr. Rauf Rahim, learned senior counsel appearing on behalf of the petitioner; Mr. Shoaib Haider, learned APP appearing for the State; as well as Ms. Sushree Sipra Sahu, learned counsel appearing on behalf of the prosecutrix.
6. Mr. Rahim submits, that as recorded in order dated 07.11.2024 passed by the learned sessions court, whereby the petitioner's regular bail plea was dismissed, the date of birth of the prosecutrix is recorded as 01.11.2007; and therefore, around the period when the offences are alleged to have been committed, the prosecutrix was about 16 years and 05 months of age; whereas the petitioner was about 26 years of old.
7. Mr. Rahim submits, that as can be seen from the chargesheet, the petitioner and the prosecutrix are neighbours, and from her statement recorded under section 164 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the following factual matrix has emerged:
 - 7.1. The prosecutrix has narrated that in the evening of 06.04.2024, the parties had interacted, the allegation being that the petitioner had pursued the prosecutrix, whereupon the prosecutrix had had a conversation with the petitioner, who (latter) had expressed his love for the prosecutrix and had said that he wanted to marry her.
 - 7.2. Thereafter, on the intervening night of 06.04.2024 and 07.04.2024, the prosecutrix met with the petitioner at about



2am–3am near her house, since she was feeling nervous about what had happened earlier in the evening; and she stepped out of the house to speak with the petitioner about the same. Thereafter, the statement says that the parties went to the petitioner's friend's house for the night. It is further stated that the parties then headed to a certain public park, where they met the petitioner's parents; and from there the petitioner took the prosecutrix to Peeragarhi.

- 7.3. The prosecutrix further states, that after roaming about here and there for whole night, on the next date, they took a train to Jalandhar in Punjab; and stayed there for a period of time, whereafter, the prosecutrix states that the parties 'got married' in a temple.
- 7.4. Thereafter, the prosecutrix narrates that the petitioner took her to Jabalpur in Madhya Pradesh, where he took a room on rent and they starting living together and the petitioner found work in a nearby *mandi* in Jabalpur.
- 7.5. The prosecutrix further narrates, that while in Jabalpur, the petitioner would lock her up in the room before leaving for work and he did not let her speak to anyone. It is also alleged, that the petitioner would continually force himself upon the prosecutrix, despite her refusing to have physical relations with him.
- 7.6. It is also the case of the prosecutrix, that she was kept locked-up for 03 months in a room while in Jabalpur, while the petitioner threatened to kill her and did not let her communicate with anybody.



- 7.7. Thereafter, the prosecutrix states, the petitioner took her to Panna in Madhya Pradesh, where the parties lived with the petitioner's relative for 2 to 4 days, and then they boarded a train and the petitioner brought her back to Delhi and dropped her off at Peeragarhi.
8. Mr. Rahim submits, that the CDRs of the parties would show that on the early morning of 07.04.2024, after the parties spoke to each other, the prosecutrix stepped-out of her house and accompanied the petitioner. Learned senior counsel argues, that from the prosecutrix's statement recorded under section 164 of the Cr.P.C., it is evident that the prosecutrix voluntarily went-out with the petitioner at about 2am – 3am on the 07.04.2024; and then travelled and stayed with him in Delhi, Punjab and Madhya Pradesh up until 29.06.2024, when she returned home.
9. Mr. Rahim argues, that there is no whisper of an allegation that the petitioner had forced the prosecutrix out of her house or had forcibly taken her away from Delhi to Punjab, and then to Madhya Pradesh; and it is evident that the prosecutrix went with the petitioner without any resistance, nor did she take any steps to free herself at any stage, at any of the locations, either by reaching-out to her family or by creating hue and cry, or otherwise by taking any steps to return to Delhi *until the petitioner brought her back* to Delhi.
10. Learned senior counsel submits, that in this backdrop however, the petitioner has been in judicial custody since 01.07.2024; and has thereby suffered judicial custody for more than 01 year and 08 months



as an undertrial. It is pointed-out that the petitioner's jail conduct has been 'satisfactory'; and he has no other criminal involvements.

11. It is further submitted, that chargesheet has been filed in the matter and charges have been framed *vidé* order dated 07.11.2024. It is submitted that the prosecution has cited 18 witnesses but prosecution evidence in the matter is yet to begin.
12. Mr. Shoaib Haider, learned APP appearing for the State submits, that insofar as the narration in the prosecutrix's statement recorded under section 164 Cr.P.C. is concerned, the submissions on behalf of the petitioner are in-line with what the prosecutrix has said in that statement.
13. Upon being queried, Mr. Haider submits, that there is no medical evidence in support of the offence, since the prosecutrix had refused medical examination as is noted in the MLC conducted on 29.06.2024. It is also pointed-out by Mr. Rahim, that in the statement given by the prosecutrix to the doctors at the time of her medical examination, having first alleged that she had suffered forced physical intercourse, the prosecutrix then says that the two of them had had consensual sexual relations multiple times for 03 months.
14. Opposing the grant of bail, Ms. Sushree Sipra Sahu, learned counsel for the prosecutrix submits, that at the petitioner's instance, the prosecutrix and her brother have received threats, including the threat that the petitioner would kill the prosecutrix once he comes out of judicial custody. Learned APP however submits, that no complaint in regard to any such threat has ever been received by the I.O. from or on behalf of the prosecutrix.



15. Upon a conspectus of the submissions made and the documents on record, the following factors weigh with the court at this stage:
- 15.1. From her own statement recorded under section 164 of the Cr.P.C., it is seen that on the intervening night of 06.04.2024 and 07.04.2024 between 02:00 a.m. and 03:00 a.m, the prosecutrix left her house to meet the petitioner, though she states that she did so since she was feeling nervous about what had happened earlier that evening, and went-out to speak with the petitioner. The statement also narrates, that thereafter, the prosecutrix went along with the petitioner to his friend's house for the night; and that they also went to a certain public park on the next day; that they met the petitioner's parents, and from there, the petitioner took her to Peeragarhi.
- 15.2. The prosecutrix further states, that after spending the night roaming around with the petitioner, they took a train to Jalandhar, Punjab, where they apparently got married in a temple.
- 15.3. The prosecutrix also narrates, that thereafter the petitioner took her to Jabalpur, Madhya Pradesh; where they rented a room and the petitioner took-up a job; and they started living together.
- 15.4. She further states, that thereafter the petitioner took her to Panna in Madhya Pradesh; and they lived there with the petitioner's relatives for 2-4 days; and only thereafter, did they return to Delhi together.
- 15.5. The prosecutrix also says that while in Jabalpur, the petitioner used to lock her in their room, where they were living, before



leaving for work; that he did not let her speak to anyone; and that he would force himself upon her despite her refusal for physical relations and that he also threatened to kill her. All this notwithstanding however, what stands out is that the prosecutrix never sought any help during the entire period of about 2½ months that she stayed with the petitioner; nor did she seek to contact her parents; nor did she raise any hue and cry, even in public places where she must have been over those months.

15.6. Since charges have been framed in the present case, this court would also need to test the bail plea on the anvil of section 29 of the POCSO Act. In-line with the view taken by this Bench in ***Dharmander Singh @ Saheb vs. The State (Govt. of NCT, Delhi)***¹, even in cases attracting section 29 of the POCSO Act, there is no absolute bar to the grant of bail even after charges have been framed, *except* that the threshold of satisfaction for the grant of bail would be higher. This Bench has held that, in addition to considering the nature and quality of evidence that has come forth in the charge-sheet, the court would be required to factor-in certain real life considerations which would tilt the balance against or in favour of an accused.

15.7. Applying the test laid-down by this Bench in *Dharmander Singh*, it is seen, that even as per the allegations in the charge-sheet, the prosecutrix remained in the company of the petitioner for about 2½ months, travelling with him to Delhi, Punjab and Madhya

¹ 2020:DHC:2838



Pradesh before returning to Delhi. There is no material to show that during this 2 ½ month period, the prosecutrix was subjected to any brutality or other act that would add the element of abomination to the offence.

- 15.8. It is also noticed that the petitioner is not a repeat offender; and the record shows that the petitioner has suffered judicial custody for more than 1 year and 08 months as an under trial; that his jail conduct has been ‘satisfactory’; and that he has no other criminal involvement.
- 15.9. Out of the 18 prosecution witnesses cited in the chargesheet, not even one has deposed so far. Clearly therefore, trial in the matter would take a substantial amount of time to complete.
16. In light of the above facts and circumstances, this court is inclined to allow the present petition, granting to the petitioner – ***Sanjay s/o Jhallu*** – *regular bail*, pending trial subject to the following conditions:
- 16.1. The petitioner shall furnish a personal bond in the sum of Rs.25,000/- (Rs. Twenty-five Thousand Only) with 02 sureties in the like amount from family members, to the satisfaction of the learned trial court;
- 16.2. The petitioner shall furnish to the I.O./S.H.O., P.S.: Begum Pur, a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times; If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;



- 16.3. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing;
- 16.4. Since the petitioner is facing trial and would therefore be appearing before the learned trial court from time-to-time, it is not considered necessary to impose a reporting requirement as a condition of regular bail;
- 16.5. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial. More specifically, the petitioner shall neither contact nor interact, whether directly or indirectly, with the prosecutrix or her family, in any manner whatsoever.
- 16.6. Furthermore, since the petitioner and prosecutrix are stated to be the neighbours, living in the same locality about a lane away, the petitioner shall not visit the lane in which the prosecutrix resides; nor the college/educational institution which the prosecutrix attends nor her place of work, if any.
17. It is made clear that any infraction of any of the bail conditions will be viewed with extreme seriousness.
18. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.



19. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
20. The petition stands disposed-of in the above terms.
21. Other pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J

MARCH 24, 2026

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