



2026:DHC:388



\$~7

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 16.01.2026

+

BAIL APPLN. 4665/2025, CRL.M.A. 35954/2025 & CRL.M.A. 35955/2025

AFSAR ALI

.....Petitioner

Through: Mr. Shakeel Abbas, Advocate
(through videoconferencing)

versus

THE STATE (NCT) OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State with Inspector Parveen**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks anticipatory bail in case FIR No. 213/2024 of PS Lodhi Colony for offence under Section 67B of Information Technology Act.

2. I have heard learned counsel for accused/applicant as well as learned APP for the State assisted by IO/Inspector Parveen.

3. Broadly speaking, the allegations against the accused/applicant are as follows. CyberTipline Report was received that a child pornographic video file was shared over Facebook Messenger Service on 29.05.2023 from a Facebook account with username "Law Faraday" with the Facebook account username Abeer Tiwari; and that the said video file of 2 minutes 13 seconds

BAIL APPLICATION 4665/2025

Page 1 of 4 pages

Signature Not Verified

Digitally Signed
By: NEETU N NAIR
Signing Date: 16.01.2026
18:25:36GIRISH
KATHPALIADigitally signed by GIRISH KATHPALIA
DN: cn=GIRISH KATHPALIA, o=HIGH COURT OF DELHI,
2.5.4.20=8401688962777620088a4afac,
4.0.3.1.1=2025.01.16 18:25:36+05:30,
serialNumber=d480796431e445c076d15
17099949862, c=GIRISH KATHPALIA
Date: 2025.01.16 18:25:36+05:30



depicts an adult lady indulging in explicit sexual act with a male child. The Facebook account Law Faraday was found associated with a mobile phone number, which stood issued in the name of the present accused/applicant. In the course of investigation, the IO also collected the relevant records pertaining to the second mobile phone associated with the Facebook account of Abeer Tiwari from the concerned Telecom Service Provider and the same was found to be registered in the name of Dinesh Tiwari. In the course of further investigation, one Nitin Tiwari, son of Dinesh Tiwari disclosed having opened the Facebook Messenger account in the name of Abeer Tiwari. In further investigation, the accused/applicant admitted his mobile phone number on which the Facebook account of Law Faraday had been opened in the year 2019, but he denied any acquaintance with Nitin Tiwari, though the latter had stated otherwise. Further, on being called upon to produce the device with which he had opened and was accessing the Facebook account on 29.05.2023, the accused/applicant stated that the same had been disposed of.

4. As against the above backdrop, learned counsel for accused/applicant submits that no purpose would be served by taking the accused/applicant into custody since he has already disposed of his mobile phone. It is further submitted by learned counsel for accused/applicant that the accused/applicant is a young student, so entitled to protection. Further, learned counsel for accused/applicant submits that without any authority, the IO raided the residential premises of the accused/applicant. It is also contended that earlier, the accused/applicant was granted interim protection

BAIL APPLICATION 4665/2025

Page 2 of 4 pages

Signature Not Verified

Digitally Signed
By:NEETUN NAIR
Signing Date:16.01.2026
18:25:36

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401dd88b627a77b26f5ff64afec
45569af3962c6fb4835d43f9f7626acca,
ou=HIGH COURT OF DELHI,CID - 7047638,
postalCode=110003, st=Delhi,
serialNumber=d3e86796451e4c507b5d15
570999b640f80cb2ee60402c487965801
e26fa, cn=GIRISH KATHPALIA
Date: 2020.08.16 16:23:23 +0500



2026:DHC:388



by the predecessor bench. Learned counsel for accused/applicant further submits that he has been regularly joining investigation, as and when directed by the IO.

5. On the other hand, learned APP submits that the nature of offence cannot be ignored. It is also contended that the present application is for an anticipatory bail and not for a regular one. Learned prosecutor also submits on instructions of the IO that custodial interrogation is required in this case in order to unearth the origin of the video clip as well as identity of those who created the same. It is contended by learned APP that the accused/applicant has not been cooperating in the investigation.

6. The interim protection was granted to the accused/applicant by the predecessor bench on the ground that earlier, the IO was not interested to arrest the accused/applicant but after change of IO, notice was issued to the accused/applicant. It is not that after discussion of merits of the anticipatory bail application that the accused/applicant was granted interim protection. Further, even the said interim protection was granted only on the last date (03.12.2025) and till this day. The status report was yet to be filed by the State. Now that the status report has been filed, detailed deliberation has been carried out.

7. It is not a case of uploading of pornography. It is a case of uploading child pornography. No civilized society would approve of such abuse of the child. As rightly submitted by learned APP for the State, grant of anticipatory bail in such cases would convey wrong signals across the

BAIL APPLICATION 4665/2025

Page 3 of 4 pages

Signature Not Verified

Digitally Signed
By: NEETU N NAIR
Signing Date: 16.01.2026
18:25:36

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=84016889027a77b2659ffefafe
e4556af7962a0f8a835a439f762cacca,
ou=HIGH COURT OF DELHI CD 7547636,
postalCode=110003, st=Delhi,
serialNumber=d3680796431cc450765d1
557099504980c02ee6403c48796598
012050, cn=GIRISH KATHPALIA
Date: 2026.01.16 18:23:41 +05'00'



2026:DHC:388



society and encourage abuse of young children. The nature and gravity of the offence cannot be ignored.

8. Further, as mentioned above, sustained interrogation of the accused/applicant is necessary in the present case in order to unearth the source of that pornographic clip as well as creators thereof. Even the mobile phone has to be recovered. Although, according to the accused/applicant he disposed of the same, but the manner and place of that disposal also has to be found out for an effective investigation. As mentioned above, according to the prosecution, the accused/applicant is not cooperating in the investigation, which also appears to be the reason of the raid allegedly carried out by the IO at the residence of the accused/applicant. In this regard, it is further submitted by learned APP on instructions of the IO that during interrogation, the accused/applicant stated that he had just thrown away his mobile phone, which *prima facie* does not appear to be a truthful statement and is a reason for sustained interrogation.

9. I do not find it a fit case to grant anticipatory bail. Therefore, the anticipatory bail application as well as pending applications are dismissed.

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: cn=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401dd889b27a77b2f65fffe4afe
c45569a93962c0ff4833d435f97626acca,
ou=HIGH COURT OF DELHI,CIO - 7047638,
postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5d1
5570996b40f80cbd2eee60402c487965ff8
01e26fa, cn=GIRISH KATHPALIA
Date: 2026.01.16 18:23:23 -08'00'

GIRISH KATHPALIA
(JUDGE)

JANUARY 16, 2026/rs

BAIL APPLICATION 4665/2025

Page 4 of 4 pages

Signature Not Verified

Digitally Signed
By: NEETU N NAIR
Signing Date: 16.01.2026
18:25:36