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

+ **BAIL APPLN. 4720/2025**

KISHAN SHARMA

.....Petitioner

Through: Mr. Aftab Hussain, Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State

Father of prosecutrix in person

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

19.03.2026

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1. By way of the present application, the applicant seeks grant of anticipatory bail in case arising out of FIR bearing no. 260/2025, registered at Police Station Mohan Garden Dwarka, Delhi for the commission of offences punishable under Sections 10/12/21 of the Protection of Children from Sexual Offences Act, 2012 (hereafter '*POCSO Act*')

2. The brief facts of the case are that the present FIR was registered on the basis of the statement of the prosecutrix, who was studying in Class VII and was about 12 years of age at the relevant time. It was alleged that in October 2023, her maternal uncle, namely Kishan, used to visit her house. On one such occasion, when he visited at night, he allegedly touched her private parts, kissed her, and showed her a pornographic video. The prosecutrix further stated that she disclosed the incident to her stepmother on the next day, who allegedly threatened her not to disclose the same to



anyone, stating that she would “chop her off” if she did so. It was further stated that thereafter, when the prosecutrix shared this incident with her father, he then took her to the police station, after which the FIR was registered.

3. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in the present case. It is contended that FIR has been registered after an un-explained delay of two years. It is further submitted that the marriage of the sister of the applicant with the father of the prosecutrix was solemnized in the year 2024 whereas as per the allegations, the alleged incident is of 2023. It is also argued that the sister of the applicant had first lodged a complaint on 25.08.2025 against her husband i.e. father of the prosecutrix and the present FIR dated 29.09.2025 is a counter-blast to the said complaint. It is thus prayed that the applicant be granted anticipatory bail.

4. The learned APP for the State opposes the present bail application on the ground that the allegations against the applicant are serious in nature. He however also states that the applicant has already joined the investigation and his custodial interrogation is not required by the Investigating Officer (I.O.).

5. This Court has **heard** arguments addressed on behalf of the applicant as well as the State, and has perused the case file.

6. In the present case, this Court is of the view that FIR in this case was registered after two years of the alleged incident. On instructions from the concerned I.O., the learned APP for the State has informed this Court that the applicant in this case has already joined the investigation and he is not required for custodial interrogation, and that charge-sheet in the case will be



filed within 15 days.

7. Keeping in view all the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the applicant, and in event of arrest, the applicant shall be released on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the SHO/I.O concerned on the following terms and conditions:

- i) The applicant shall join investigation, as and when called by the concerned IO/SHO and shall remain available on mobile numbers; shared by him with the Police.
- ii) The applicant shall not leave the country without prior permission of the concerned Court and shall also surrender his passport with the Court.
- iii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
- iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned I.O/SHO.

8. The father of the prosecutrix is a witness in the present case. He states that he is being threatened by the petitioners. However, in this regard no complaint has been lodged with the police. In these circumstances, in the event of any apprehension of threat, he is at liberty to approach the Witness Protection Committee of the concerned Trial Court. Upon receipt of any such application seeking protection, the learned Principal District and Sessions Judge concerned shall ensure that the same is taken up and decided expeditiously, in accordance with law.



9. The present bail application is accordingly disposed of.
10. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.
11. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 19, 2026/rr/A