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

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Date of Decision: 21.09.2026# **CNR No. DLHC010293432026**+ **BAIL APPLN. 2638/2026 & CRL.M.(BAIL) 1299/2026**

AMANDEEP

.....Petitioner

Through: Mr. Janender Kumar Chumbak and
Mr. Akash Saini, Advocates

versus

STATE & ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Dipika
Ms. Gunjan Sinha Jain, Advocate for
prosecutrix with mother of the
prosecutrix in person**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 760/2025 of PS Adarsh Nagar for offence under Section 64(1)/123 BNS.
2. In furtherance of the last order, the DHCLSC had appointed a counsel on behalf of the prosecutrix. I have heard learned counsel for accused/applicant and learned APP for State assisted by IO/SI Dipika. I have also heard learned DHCLSC counsel on behalf of the prosecutrix.



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3. Broadly speaking, the factual matrix as culled out of the FIR registered on the statement of the prosecutrix is as follows.

3.1 The prosecutrix aged about 19 years came in contact with the accused/applicant through Instagram and they started interacting with each other over phone.

3.2 In the month of July 2025, the accused/applicant asked the prosecutrix for a meeting, but she rejected the request. However, subsequently on a telephonic request of the accused/applicant, the prosecutrix met him at the gate of her college and they sat together in a restaurant near her college, after which she returned.

3.3 Thereafter, they continued to interact with each other. On 05.09.2026, the prosecutrix blocked the phone number of the accused/applicant because he was repeatedly calling her up. But soon thereafter, the prosecutrix unblocked his number.

3.4 The accused/applicant telephonically invited the prosecutrix to a party on his birthday on 09.09.2025 (*which date was later rectified by her as 05.09.2025*). The prosecutrix and the accused/applicant met at the GTB metro station where he offered her a soft drink. Thereafter, the accused/applicant took the prosecutrix to Azadpur in a cab where he booked a room in Apple Hotel. For the said room booking, the identity card of the prosecutrix was used. Once inside the room, they spoke with each other for some time and the accused/applicant ordered food from mobile phone of the



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prosecutrix. After consuming the said food and soft drink, the prosecutrix started feeling dizzy as if she had been intoxicated. Thereafter, at night, the accused/applicant compelled her to consume liquor and tried to kiss her but she stopped him, after which he raped her and also clicked her nude pictures and videos.

3.5 Next day, while leaving the hotel, the accused/applicant threatened to circulate those pictures and videos if she disclosed about the incident to anyone. The accused/applicant also administered her one I-pill and paracetamol because she was feeling quite weak. Thereafter, the accused/applicant left her at the metro station from where she returned to her hostel.

3.6 On 14.09.2025, the accused/applicant called her outside the hostel on the pretext of deleting her pictures and videos, and at that time, the accused/applicant in his car was accompanied with his friend, co-accused Sahil whom the prosecutrix met for the first time. The accused/applicant in his car took her to a hotel near Apple Hotel in Azadpur, where all three of them, i.e., the prosecutrix and both accused persons signed the records of the hotel and sat in the room for some time. The accused/applicant made her consume liquor and went out to fetch something. When the accused Sahil tried to hug her, she objected and went to the other room.

3.7 On 15.09.2025, both accused persons took the prosecutrix in a car to Jind from where the co-accused Sahil went away and in the evening, the



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present accused/applicant took the prosecutrix to a hotel of his friend and again raped her there. The accused/applicant also told the prosecutrix that all those photos and videos had been saved by him on his Apple ID.

3.8 On 16.09.2025, the accused/applicant made her board a train from Jind to Delhi. Again on 18.09.2025, the accused/applicant called the prosecutrix to Jind under the pretext of deleting her photos and videos, for which he took her to the same hotel. At that hotel, the accused/applicant asked her to get married with him, but she refused, so he raped her.

3.9 Thereafter, the accused/applicant called his friend Arman (*the third accused against whom chargesheet was filed without arrest*). The present accused/applicant and co-accused Arman sat in the lap of the prosecutrix and clicked videos. In this manner, the accused/applicant detained the prosecutrix in the hotel for two days and on 20.09.2025, the accused/applicant sent the prosecutrix back to Delhi in a train.

3.10 Ultimately, on 30.09.2025, the prosecutrix narrated the entire incident to her family and lodged a police complaint.

4. Against the above backdrop, it is contended by learned counsel for accused/applicant that even according to prosecution case, the sexual relations between the accused/applicant and the prosecutrix were clearly consensual. It is pointed out by learned counsel that admittedly no offence under POCSO Act has even made out against the accused/applicant. It is also submitted that the co-accused Arman was not even arrested and the co-



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accused Sahil was granted bail by this Court on 17.02.2026, but the present accused/applicant is suffering incarceration since 18.02.2026.

5. Learned APP for State submits that the allegations against the accused/applicant are quite serious, so it would not be appropriate to release him on bail. However, on instructions of the IO, learned APP for State in all fairness admits that forensic analysis of the mobile phone of the accused/applicant reflected no objectionable pictures or videos of the prosecutrix with the accused/applicant.

6. Learned legal aid counsel for prosecutrix opposes the bail application on the ground that prosecutrix categorically told her that she had seen her nude pictures and videos in the mobile phone of the accused/applicant. It is also submitted by learned legal aid counsel that according to the prosecutrix, certain WhatsApp chats also had been exchanged between her and the accused/applicant but from her phone she deleted the same.

7. In response, the IO submits that when she asked the prosecutrix to handover her mobile phone for forensic investigation, the prosecutrix refused and rather mother of the prosecutrix misbehaved with the IO, so the IO lodged a DD entry in the police station.

8. In the overall factual matrix as narrated above, for present purposes, it appears to be a case of consensual sexual relationship between the accused/applicant and the prosecutrix. However, on this aspect, the trial court shall take an independent view on the basis of evidence produced



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before it.

9. Apart from the sexual relations, the other very serious allegation against the accused/applicant was that he clicked nude pictures and videos of the prosecutrix, with which he blackmailed her. But as mentioned above, the forensic analysis of mobile phone of the accused/applicant did not find any such pictures or videos. At the same time, there is also no reason advanced for the prosecutrix having refused to handover her mobile phone for forensic analysis. Rather, at this stage of dictation, the IO further discloses that she also received threats over telephone apart from threats extended to her in the police station by mother of the prosecutrix. The mother of the prosecutrix present in Court denies all these allegations of the IO.

10. Considering the overall circumstances, I find no reason to deprive further liberty to the accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the Trial Court/Duty Magistrate.

11. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

SEPTEMBER 21, 2026/as