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

% **Date of Decision: 12th October, 2026**

CNR No. DLHC010124992026

+ **BAIL APPLN. 1241/2026 & CRL.M.A. 9714/2026, 17089/2026 & 30989-30990/2026**

ROHIT

.....Applicant

Through: Mr. Divyesh Pratap Singh, Mr. Ashu Bhindwar, Mr. Amit Sangwan and Mr. Ambuj Kumar Singh, Advs.
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versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for the State
Mob: 9868632122
Mr. Sarthak Karol, DHCLSC with Ms. Neelakshi Bhadauria and Ms. Tanishka Pawar, Advs. for deceased/victim
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Ms. Rakhi, SI, PS Jyoti Nagar
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CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (Oral):

1. The present petition has been filed under Section 483 of the Bharatiya



Nagarik Suraksha Sanhita, 2023 (“BNSS”), seeking enlargement of the petitioner, i.e., Sh. Rohit S/o Sh. Manoj, on regular bail in connection with *FIR No. 461/2025* dated 06th September, 2025, under Sections 137(2)/64(1)/351(2) of the Bharatiya Nyaya Sanhita, 2023 (“BNS”) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (“POCSO Act”), registered at Police Station (“PS”) Jyoti Nagar, North East, Delhi.

2. The facts of the present case, as culled out from the Status Report dated 15th May, 2026, filed on behalf of the State, are as follows:

2.1. The present FIR, i.e., *FIR No. 461/25*, was registered pursuant to a complaint on behalf of the victim, wherein, she alleged that she became acquainted with the petitioner, resident of the colony where she resides, and since April, 2025, she was in contact with him through Instagram.

2.2. She states that on 17th July, 2025, the petitioner came outside the victim’s tuition class on a scooty and persuaded her to accompany him on the pretext of his birthday celebration.

2.3. It has been stated that despite refusal, the petitioner insisted and took her to the house of his friend, i.e., Sh. Raj Kumar alias Babloo, at Ashok Nagar, Delhi, where the petitioner committed forcible sexual intercourse with the victim. At that time, no other person was present in the house.

2.4. The victim states that subsequently the petitioner dropped her outside her tuition classes and threatened her not to disclose the incident to anyone, otherwise, he would kill her and her siblings.

2.5. It has further been stated that on 18th August, 2025, the petitioner again came outside the victim’s tuition classes and threatened her that if she did not accompany him, he would disclose everything to her house and family. Due



to fear, the victim went with the petitioner, who took her to OYO Hotel, Loni, and forcibly committed sexual intercourse with her. The petitioner also made a nude video of the victim and threatened to make it viral, if she refused to comply with his demands.

2.6. During investigation, the medical examination of the victim was conducted at the Guru Tegh Bahadur Hospital, Dilshad Garden, Delhi (“GTB Hospital”), *vide MLC G-125/2025*, wherein, the mother of the victim refused an internal examination of the victim.

2.7. Statement of the victim under Section 183 of the BNSS was recorded, wherein, she supported the allegations levelled in the present FIR. The petitioner was, thus, arrested on 08th September, 2025.

2.8. Age related documents of the victim have been verified from the concerned school, according to which, she was minor at the time of incident.

2.9. The mobile phone of the petitioner was seized and sent to the Forensic Science Laboratory (“FSL”) for forensic examination. The FSL report has been received, as per which, multiple obscene/sexually explicit photographs and videos have been recovered from the mobile phone of the petitioner. The victim is not visible in the said recovered obscene photos and videos.

2.10. The Call Detail Records (“CDR”) and location details of the victim’s mobile number as well as that of the petitioner, were obtained and analysed. As per the analysis, it has been revealed that the victim made a call to the petitioner on 22nd August, 2025, and thereafter, there are continuous calls/conversations between the victim and the petitioner till 02nd September, 2025, which establishes a regular contact between them during the relevant period.

3. The Sessions Case, being *SC 421/2025*, in respect of the present FIR,



is pending adjudication before the Court of Additional Sessions Judge (“ASJ”) – 06, POCSO, Shahdara District, Karkardooma Courts, Delhi, and is presently at the stage of prosecution evidence.

4. The latest Nominal Roll dated 23rd April, 2026, furnished by the Jail Authorities, shows that the petitioner has been in custody since 09th September, 2025, i.e., for a period of 07 months and 15 days, as of 23rd April, 2026. Accordingly, presently, the petitioner has been in custody for a period of more than one year.

5. On behalf of the petitioner, following submissions have been made:

5.1. At no point of time did the petitioner ever enter into any physical or intimate relationship with the victim. No external or internal or whatsoever injury was found on the body of the victim, when she was brought to the GTB Hospital for conducting her medical examination on 07th September, 2025.

5.2. The petitioner was arrested on 08th September, 2025, however, no reasons of arrest were supplied to him. Furthermore, no specific grounds were provided in the grounds of arrest.

5.3. The Investigating Officer (“IO”) interrogated the co-accused, Sh. Raj Kumar alias Babloo, who stated that an unknown girl and the petitioner came to his house on 17th July, 2025. When the co-accused questioned the petitioner about the girl, the petitioner informed him that she was her fiancée and that they wanted to sit and talk about something. Thereafter, the co-accused left and when he returned after 1-1.5 hours, they were not present. No Test Identification Parade (“TIP”) was carried out in order to identify whether the girl referred to by the co-accused is the victim.

5.4. The IO collected the register of the OYO Hotel, Loni, as per the entries of which, it was found that on 20th August, 2025, the petitioner visited the



Hotel with one girl called Jyoti, aged about 22 years. Thus, the petitioner did not visit the hotel with the victim.

6. In response, learned Additional Public Prosecutor (“APP”) for the State submits that specific grounds of arrest were provided to the petitioner, and that he opposes the present petition.

7. On behalf of the complainant, it is submitted as follows:

7.1. The petitioner is aged 27 years, while the victim is aged 16 years, and the petitioner committed forceful sexual intercourse with the victim on three occasions dated 17th July, 2025, 20th August, 2025 and 04th September, 2025.

7.2. There is a substantial age difference between the petitioner and the victim, which further aggravates the gravity and seriousness of the offence.

7.3. The victim has remained consistent in her statements under Section 180 and 183 of the BNSS, wherein, the victim has categorically mentioned multiple incidents of forceful sexual intercourse committed upon her.

7.4. The entry register of the Hotel to which the victim was taken by the petitioner contains an entry with the name of the petitioner and the petitioner’s Aadhaar Card has also been recovered.

7.5. In the presence of sufficient *prima facie* material, a *prima facie* case under Section 6 of the POCSO Act is made out against the petitioner.

7.6. Furthermore, the trial is at a nascent stage.

8. I have heard learned counsels for the parties and have perused the record.

9. At the outset, this Court notes that the Medical Examination Report dated 06th September, 2025, of the victim shows that the petitioner and the victim had mutual sexual intercourse in July, 2025, wherein, the petitioner used condom as contraceptive during intercourse. Further, there was no



history of any drug intoxication.

10. Further, during the course of the medical examination of the victim, which was conducted at GTB Hospital, the internal examination of the victim was refused by her mother.

11. This Court also notes that as per the CDR, the petitioner and victim have been in regular touch with each other. The victim has also deposed that she was friends with the petitioner and was regularly in touch with him. The petitioner used to regularly drop and pick up the victim from her tuition centre. She has further testified during her cross-examination that when her friendship with the petitioner was revealed to her parents, she had expressed her desire to her parents that she wanted to marry the petitioner. However, her father and uncle had objected to the marriage of the victim with the petitioner on account of the petitioner's past, unemployment and age difference.

12. Fruitful reference may be drawn to the decision of the Supreme Court in the case of *State of Uttar Pradesh Versus Anurudh and Another, 2026 SCC OnLine SC 40*, whereby, it has been held that the POCSO Act has been frequently misused to suppress adolescent romantic relationships by the families, who are in objection to such relationships. Furthermore, in the said decision, the Apex Court has emphasised on inclusion of a 'Romeo-Juliet' clause to exempt such romantic relationships from the strict application of the POCSO Act. The relevant excerpts of the said judgement are as follows:

“xxx xxx xxx

19. As the conclusions drawn above indicate the impugned judgment and order of the High Court has to be set aside on grounds of transgression of the jurisdiction present and thereby lacking the appropriate directions. It is to be set aside also because it goes against the statutory prescription under the JJ Act. Be that as it may, this Court has not lost sight of the well-



intentioned purport of this order. **The POCSO Act is one of the most solemn articulations of justice aimed at protecting the children of today and the leaders of tomorrow. Yet, when an instrument of such noble and one may even say basic good intent is misused, misapplied and used as a tool for exacting revenge, the notion of justice itself teeters on the edge of inversion. Courts have in many cases sounded alarm regarding this situation. Misuse of the POCSO Act highlights a grim societal chasm - on the one end children are silenced by fear and their families are constrained by poverty or stigma, meaning thereby that justice remains distant and uncertain, and on the other hand, those equipped with privilege, literacy, social and monetary capital are able to manipulate the law to their advantage.** The impugned judgment is one amongst many where Courts have spoken out. **Not only are instances rife where the age of the victim is misrepresented to make the incident fall under the stringent provisions of this law but also there are numerous instances where this law is used by families in opposition to relationships between young people. In Satish alias Chand v. State of U.P. [Crl. Misc. Bail Appl. No. 18596 of 2024], the High Court, noted that on few occasions concern had been expressed by the Court with respect to application of the Act on consenting adolescence when it comes to consensual relationships between teenagers, four factors have been highlighted which, is crucial for the Courts to consider:**

"A. Assess the Context: Each case should be evaluated on its individual facts and circumstances. The nature of the relationship and the intentions of both parties should be carefully examined.

B. Consider Victim's Statement: The statement of the alleged victim should be given due consideration. If the relationship is consensual and based on mutual affection, this should be factored into decisions regarding bail and prosecution.

C. Avoid Perversity of Justice: Ignoring the consensual nature of a relationship can lead to unjust outcomes, such as wrongful imprisonment. The judicial system should aim to balance the protection of minors with the recognition of their autonomy in certain contexts. Here the age comes out to be an important factor.



D. Judicial Discretion: Courts should use their discretion wisely, ensuring that the application of POCSO does not inadvertently harm the very individuals it is meant to protect.”

*[See also: Mrigraj Gautam @ Rippu v. State of U.P.]
[2023: AHC : 204171]*

The Delhi High Court in Sahil v. the State NCT of Delhi [2024: DHC: 6100] the Court noted in para 11 of the order that POCSO cases filed at the behest of a girl's family objecting to romantic involvement with a young boy have become common place and consequent thereto these young boys languish in jails. Therein, reference is also made to an order of the Gujarat High Court [Jayantibhai Babulbhai Alaniv. State of Gujarat 2018 SCC OnLine Guj. 1223] , where the Court noted that considering the closeness in age of the prosecutrix and the accused as also the fact that she had left home of her own accord observed that the application deserved consideration.

This chasm between access and abuse is also mirrored in the misuse of Section 498-AIPC and the Dowry Prohibition Act, 1961. Amongst numerous examples, we may only refer to Rajesh Chaddha v. State of U.P [2025 SCC OnLine SC 1094] , where this Court lamented the use of these Sections without specific instances or relevant details, among other cases. It is also to be stated though that no amount of judicial vigilance against misuse can alone bridge this ever-widening gap. The first line of defence lies with the Bar i.e., the body that translates grievance into action and is the gatekeeper of justice at the point of entry. When it comes to matters such as these, the responsibility of the advocate is profound - to examine the allegations with detachment and necessary discretion and to counsel restraint when grievance masks vengeance and to refuse participation in litigation when it can be seen that an ulterior motive is sought to be agitated under the guise of seeking protection of the law. It is only when the Bar takes a principled, proactive role, that the legislation intended as a shield can be stopped from being twisted into a weapon. A lawyer who tempers aggression with calm, reason and rationality, protects not only the opposing party from unwarranted harm but also the client from the long-term consequences of frivolous or malicious litigation, including adverse orders, and judicial censure. By taking a principled stand, the Bar acts as a crucial filter, preventing the legal system from being overwhelmed by



abuse masquerading as enforcement. Such self-regulation strengthens public faith in the profession, ensures that judicial time is reserved for genuine disputes, and reinforces the foundational idea that law is a means of justice, not a weapon of convenience. In this sense, the ethical vigilance of lawyers is not ancillary to justice, it is indispensable to it. When they do not do so, the chasm alluded to above widens. Society also must match institutional reform with moral awakening. The intent and object of these legislations must be at the forefront when a person wishes to lodge a complaint thereunder. The misuse of these laws is a mirror to the opportunistic and self-centered view that pervades the application of law. It is only through discipline, integrity and courage that these problems can be remedied and rooted out. Any legislative amendment or judicial direction will remain lack-luster without this deeper change.

We have referred to certain instances of the High Courts noting the misuse/misapplication of the POCSO Act, somewhat in line with the indices appended to the impugned judgment as also its progenitors.

Considering the fact that repeated judicial notice has been taken of the misuse of these laws, let a copy of this judgment be circulated to the Secretary, Law, Government of India, to consider initiation of steps as may be possible to curb this menace inter alia, the introduction of a Romeo - Juliet clause exempting genuine adolescent relationships from the stronghold of this law; enacting a mechanism enabling the prosecution of those persons who, by the use of these laws seeks to settle scores etc.

xxx xxx xxx”

(Emphasis Supplied)

13. Pertinently, a Coordinate Bench of this Court in the case of ***Riyaz Versus State (Govt. of NCT of Delhi) and Another, 2024 SCC OnLine Del 5918***, while dealing bail with application in the offences under Sections 363/376 of IPC and Section 6 of the POCSO Act, has held as follows:

“xxx xxx xxx

8. This Court is of the opinion that the present case is of love affair between the Prosecutrix and the Petitioner. Consensual



sex between girls who are just below the age of 18 years and boys who are just above 20 years has been in legal grey area because the consent given by a minor girl cannot be said to be a valid consent in the eyes of law.

9. At this juncture, this Court is not going into the question as to whether the Petitioner has committed offences under Sections 363/376 IPC and Section 6 of the POCSO Act or not. This Court is only concerned with as to whether a youngster who is in jail for about three years now should be granted bail or not in view of the fact that all the public witnesses, including the Prosecutrix, have been examined.

10. This Court has been constantly seeing that POCSO cases are being filed at the behest of the girl's family who object to her friendship and romantic involvement with a young boy and the law is being misapplied in such cases which results in young boys, who have genuinely fallen in love with young adolescent girls, languishing in jails.

xxx xxx xxx”

(Emphasis Supplied)

14. This Court notes that the victim has already been examined and cross-examined in evidence. The petitioner has been in custody since 08th September, 2025 and has already spent more than one year in custody. There are in total 21 witnesses and trial is still in progress and is likely to take some time.

15. Accordingly, the facts and circumstances of the present case disclose a *prima facie* basis to grant bail. Further, the Nominal Roll records the petitioner's conduct as satisfactory. The Court also takes note of the fact that the petitioner has no criminal antecedents.

16. Having regard to the entirety of the circumstances, the petitioner is directed to be released on bail upon furnishing a personal bond for a sum of Rs. 20,000/- with one surety of the like amount, subject to the satisfaction of the Trial Court/Duty Magistrate on the following conditions:



- a) The petitioner shall cooperate in any further investigation as and when directed by the concerned IO;
 - b) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
 - c) The petitioner shall not contact the victim or any of her family members;
 - d) The petitioner shall appear before the Trial Court as and when directed;
 - e) The petitioner shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/Station House Officer (“SHO”).
 - f) The petitioner shall not reside within 05 km radius of the residence of the victim and shall also furnish proof of his residence to the concerned IO. The petitioner shall also not move in the vicinity of the victim in any manner.
 - g) The petitioner shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
 - h) The petitioner shall report to the concerned PS on first Monday of every month;
17. In the event of there being any FIR/DD entry/complaint lodged against the petitioner, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
18. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the



merits of the case.

19. The bail application is allowed in the afore-mentioned terms.

20. Copy of this order be communicated to the concerned Jail Superintendent, for information and necessary compliance.

MINI PUSHKARNA, J

OCTOBER 12, 2026/c/sk