



2026:DHC:7842



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

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Date of Decision: 15.09.2026# **CNR No. DLHC010436092026**+ **BAIL APPLN. 3861/2026, CRL.M.A. 28539/2026 & 28538/2026**

AMIT MATHUR

.....Petitioner

Through: Mr. Noor Shergil and Mr. Harshit
Pandey, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with Investigating Officer/SI Suman.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 215/2025 of PS Sarita Vihar for offence under Section 65(2)/75 BNS and Section 6/10 of POCSO Act.

2. Broadly speaking, the allegation against the accused/applicant is that he committed aggravated penetrative sexual assault. The accused/applicant is aged 27 years while the victim is aged 11 years. On the day of unfortunate incident, the victim went to the house of the accused/applicant to play with



his daughter, but he allegedly committed the offence.

3. At the outset, learned counsel for accused/applicant submits that he is conscious about the gravity of the offence, but he emphasises that since the prosecutrix as well as her mother have already testified before the trial court, no purpose would be served by keeping the accused/applicant in jail. Further, it is submitted by learned counsel that the accused/applicant is in jail for past 18 months, though the prescribed punishment for the alleged offence is too grave. It is also submitted that the accused/applicant is not a flight risk and has always cooperated with the investigating machinery.

4. Learned APP assisted by Investigating Officer/SI Suman accepts notice and opposes the bail application.

5. Merely because the accused/applicant is in jail for 18 months and on the submission that he is not a flight risk, the Court cannot ignore the gravity of the offence. As mentioned above, the accused/applicant is aged 27 years while the victim is aged hardly 11 years. More importantly, the child went to the house of the accused/applicant as there was relation of trust and she wanted to play with daughter of the accused/applicant. It is in such circumstances that the accused/applicant committed the alleged offence.

6. The prosecutrix as well as her mother have testified before the trial court and have completely supported the prosecution case.



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7. It would also be significant to note that before the Court of Sessions, an argument was raised on behalf of the accused/applicant, which has been completely abandoned before this Court. That argument was that on account of monetary disputes between the accused/applicant and mother of the prosecutrix, this case was falsely got registered. Admittedly, there is no further elaboration, what to say of any documentary record or otherwise regarding the alleged monetary dispute.

8. Considering the overall circumstances as described above, I do not find it a fit case to grant bail to the accused/applicant. Therefore, the bail application and accompanying applications are dismissed.

**GIRISH KATHPALIA
(JUDGE)**

SEPTEMBER 15, 2026/ry