

(2025) 12 DEL CK 0025

Delhi HC

Case No: Bail Application No.4475 Of 2025 & Criminal Miscellaneous Application No.
34633 Of 2025

Sanjeev Kumar

APPELLANT

Vs

State (Nct Of Delhi)

RESPONDENT

Date of Decision: Dec. 17, 2025

Acts Referred:

- Indian Penal Code, 1860- Section 228A, 323, 376, 506
- Protection of Children from Sexual Offences Act, 2012- Section 6

Hon'ble Judges: Amit Mahajan, J

Bench: Single Bench

Advocate: Aashish George, R.K. Jeenwal, Rahul Kulhare, Joicy Arikkadan, Neetu CJ, Raj Kumar, Ashish Garg

Final Decision: Allowed

Judgement

Amit Mahajan, J

1. The present application is filed by the applicant seeking regular bail in FIR No. 645/2023 dated 25.09.2023, registered at Police Station Binda Pur for offences under Sections 376/506 of the Indian Penal Code, 1860 (IPC) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).
2. The FIR in the present case was registered pursuant to a complaint made by the victim, wherein, she alleged that the applicant used to visit the house of the victim for home tuitions and used to touch her inappropriately.
3. It is alleged that when the victim was 15 years of age the applicant threatened the victim and forced her to marry her. It is alleged that victim thereafter out of fear convinced her mother for marriage, whereafter, the applicant and the victim got married on 15.04.2019.

4. It is alleged that the applicant after marriage used to beat and establish forceful sexual relations with the victim. It is alleged in November 2020 the victim got pregnant, whereafter, the applicant took her to his native village in Bihar and terminated the said pregnancy.
5. It is alleged that in 2021, the applicant again registered his marriage with the victim, however, the victim escaped prior to the registration of marriage. It is alleged that the applicant started to telephonically threaten the victim and stated that he will falsely implicate her in case by committing suicide.
6. It is alleged that in November 2021, the victim filed a domestic violence case against the applicant, however, due to the intervention of the family members the victim had to withdraw the said case.
7. It is alleged that the applicant thereafter again started harassing the victim and threatened her by making her obscene photos viral.
8. During investigation, the victim was medically examined at Deen Dayal Upadhyay Hospital. On 26.03.2023, the applicant was arrested in the present case.
9. Chargesheet was filed under Section 376/506/323/323 of the IPC and Section 6 of the POCSO Act.
10. The applicant was thereafter admitted on bail by order dated 19.03.2024 passed by the learned Sessions Court.
11. The learned Sessions Court while admitting the applicant on bail noted as under:

I am thus of the considered view that though the marriage between the parties was performed while the victim was minor but the same cannot be considered to be under threat as the marriage was performed in the presence of the parents of the parties. No complaint was made by the victim to her mother or to the police till she resided with the accused. She left the company of the accused on 21.10.2020. Atleast at this time there was no threat from the side of the accused and she could have easily filed a complaint against him. Thereafter in the year 2021 she filed a domestic violence case against the accused but did not make any allegations under the POCSO Act. For the reasons best known to her she withdrew the said case and sat back for another year. On 17.12.2022 for the first time allegations under the POCSO Act were levelled against the accused. In case she was brutally treated by the accused and was under threat as alleged, she could have filed the complaint the moment she left the company of the accused.

Be that as it may, without commenting more on the merits of the case, it would be pertinent to state here that the accused is in custody since 26.09.2023 the charge sheet has already been filled, investigation is complete. Trial will take considerable time. No needful purpose will be served by keeping the

accused behind bars.

12. It is relevant to note that the bail granted to the applicant vide order dated 19.03.2024 was subsequently cancelled since the applicant was found to have violated the conditions imposed at the time of granting bail to the applicant. It is alleged that the applicant had given an interview and revealed the identity of the victim. It is also alleged that he contacted the victim through different means and harassed her.

13. The learned counsel for the applicant submits that the applicant was rearrested on 02.05.2025 and he has been in custody since then. He submits that the applicant has since realised his mistake. He submits that the maximum punishment for revealing the identity of the victim is two years and the applicant has already spent a substantial period of time in custody. He further submits that all the public witnesses have been examined and the applicant be released on bail on any condition that the Court may impose.

14. Complainant appears along with her counsel. The learned counsel for the complainant submits that the victim has been continuously harassed not only by the applicant but also by different people at his instance. He submits that due to conduct of the applicant the victim also has to change her address and there is every apprehension that the applicant if released on bail will further harass the victim.

15. As noted above, undisputedly, the applicant had already been admitted on bail in the present FIR. The chargesheet was also filed way back on 21.11.2023.

16. It is also not disputed that all the public witnesses, including the victim have already been examined. Certain conditions have been violated for which the applicant has expressed remorse. The offence for revealing the identity of minor victim is a serious offence which has separately been made an offence under Section 228A of the IPC which entails punishment for two years.

17. The applicant pursuant to his rearrest has been in custody for more than seven months. In the opinion of this Court, he has already suffered for violating the conditions of bail. At the same time, the apprehension raised by the victim ought not to be ignored since on the earlier occasion also the applicant was found to have harassed and threatened the victim.

18. In the opinion of this Court before any order for release is passed, strict and harsh conditions ought to be imposed on the applicant.

19. In view of the above, the present bail application is allowed and the applicant is directed be released on bail on furnishing a personal bond of ₹25,000/- with two sureties of like amount to the satisfaction of the learned Trial Court and on the following conditions:

- a. The applicant 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;
- b. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall not reside within 5 kms radius of the locality where the prosecutrix resides;
- e. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- f. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- g. The applicant shall mark his presence before the concerned IO once every week;
- h. The IO is also directed to remain in touch with the victim on daily basis at least over the mobile phone and in case any complaint is received, take prompt action.

20. In the event of there being any FIR/DD entry/complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

21. 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.

22. The bail application is allowed in the aforementioned terms. Pending applications also stand disposed of. Pending application also stands disposed of.