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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 05th October, 2026**# **CNR No. DLHC010307312026**+ **BAIL APPLN. 2740/2026****AMIT**

.....Applicant

Through: Mr. Gagandeep Singh and Mr.
Devesh Sharma, Advocates
Mob: 9999357399
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versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for the
State
Ms. Anushkaa Arora, Standing
Counsel, Delhi High Court Legal
Services Committee for complainant
Mob: 987199212
Email: legal@abalawoffice.in
Ms. Sonika, SI, PS Okhla Industrial
Area, Delhi
Mob: 7838501644
Email:
sho.okhkla@delhipolice.gov.in

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral):**

1. The present application has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), read with Section 528 of the BNSS, on behalf of the applicant, namely, Mr. Amit, S/o Mr. Ranjeet



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@ Ranjit, seeking regular bail in connection with the First Information Report (“FIR”) being *FIR No. 149/2026* dated 29th March, 2026, registered under Section 137(2) of the Bharatiya Nyaya Sanhita, 2023 (“BNS”), at Police Station (“PS”) Okhla Industrial Area, South-East District, Delhi.

2. The applicant had previously moved a regular bail application under Section 483 of the BNSS, which was dismissed by the Additional Sessions Judge-01, (POCSO), South East Saket Courts, New Delhi, *vide* order dated 08th June, 2026.

3. The case being *SC 281/2026*, in connection with the present FIR, is pending adjudication before the Additional Sessions Judge-01, (POCSO), South East Saket Courts, New Delhi, and is presently at the stage of prosecution evidence.

4. The case of the prosecution, emanating from the material on record, is as follows:

4.1. On 29th March, 2026, police received a complaint from one Mr. Sandeep Singh, that his minor daughter of approximately 17 years of age, i.e., the victim herein, was missing.

4.2. He stated that his daughter had left home at about 06:00 PM without informing any family member and despite extensive searches and enquiries from relatives and acquaintances, her whereabouts could not be ascertained. Consequently, *FIR No. 149/2026* was registered at his instance.

4.3. During investigation, all possible efforts were undertaken to trace the missing victim, and subsequently, on 18th April, 2026, information was received from the mother of the victim, that the victim was residing with one Mr. Amit, i.e., the applicant herein, at his native



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place being *Angoori Bahg, District Farrukhabad, Uttar Pradesh*.

4.4. A team proceeded to the said location and successfully found the victim, however, the applicant could not be found.

4.5. Subsequently, upon completion of the investigation, a Chargesheet came to be filed under Sections 64(1)/137(2) of the BNS and Section 6 of the Prevention of Children from Sexual Offences Act, 2012 (“POCSO Act”).

5. The latest Nominal Roll dated 27th August, 2026, furnished by the Jail Authorities, shows that the applicant has been in custody since 23rd April, 2026, and has undergone a custody period of 04 months, as on 27th August, 2026.

6. The said Nominal Roll further discloses that the applicant has been granted bail in another *FIR No. 171/2026* under Sections 115(2)/126(2)/351(2)/3(5) of the BNS, registered at PS Okhla Industrial Area, against him, which is presently pending adjudication.

7. Learned counsel appearing for the applicant has submitted before this Court that the applicant and the victim were in a romantic relationship and at the time of the alleged incident, the applicant was about 18 years of age, while the victim was approximately 17 years of age.

8. He has drawn the attention of this Court to the statement of the victim recorded under Section 180 of the BNSS, wherein, she has stated that she was in a consensual relationship with the applicant. The victim has further stated that she accompanied the applicant to his native place willingly and of her own accord, and that she had physical relations with him on three to four occasions, of her own volition.

9. The attention of this Court has also been drawn to the statement of the



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victim recorded under Section 183 of the BNSS, wherein, she has categorically stated that she loves the applicant and wishes to live with him.

10. Learned Additional Public Prosecutor (“APP”) for the State submits that in view of the facts and circumstances of the present case, he has no serious objections if the present application is allowed.

11. Learned counsel appearing for the complainant, on instructions, submits that the complainant does not wish to oppose the present bail application.

12. This Court has perused the peculiar facts of the present case and notes that as per the aforementioned statements of the victim, she was not coerced into the relationship with the applicant and willingly accompanied him to his native place.

13. In addition, the aforementioned statements of the victim also make it clear that there existed a romantic relationship between the applicant and the victim and the sexual activity between them was consensual. Although the victim is a minor and hence her consent does not have any legal bearing, however, the factum of a consensual relationship borne out of love should be accounted for while adjudicating an application seeking bail. To disregard the statements of the victim altogether, and to keep the applicant in custody on that account would not be in the interest of justice.

14. Reference may also be made to the decision rendered in *Ajay Kumar Versus State (NCT of Delhi) and Another, 2022 SCC OnLine Del 3705*, whereby, the Court has categorically held that the intention of the POCSO Act was to protect children below the age of 18 years from sexual exploitation and the said Act was never meant to criminalise consensual romantic relationships between young adults.



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15. Accordingly, considering the submissions made before this Court and the observations made hereinabove, it is directed that the applicant be released on regular bail in connection with *FIR No. 149/2026* dated 29th March, 2026, registered at PS Okhla Industrial Area, South-East District, Delhi, subject to furnishing a personal bond in the sum of Rs. 15,000/- with one surety of the like amount to the satisfaction of the Duty Magistrate/Trial Court, and to the following directions:

- a. The applicant shall join the investigation as and when required by the Investigating Officer (“IO”);
- b. The applicant shall appear before the Trial Court on each and every date of hearing;
- c. The applicant shall provide his permanent address to the IO, as also the address where he is residing during the pendency of the case. The applicant shall intimate the IO, and file an Affidavit before the Trial Court, regarding any change in residential address;
- d. The applicant shall provide his mobile number to the concerned IO/Station House Officer (“SHO”), which shall be kept in working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the IO during the pendency of the trial;
- e. The applicant shall report to the jurisdictional PS on every Monday at 09:00 AM, and shall be released, within two hours after completion of formalities;
- f. 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



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whatsoever. The IO is directed to monitor the situation and, in the event of any complaint being made, to inquire into the same in accordance with law;

g. The applicant shall not commit any offence during the period of his release.

16. The present bail application is allowed and accordingly disposed of in aforesaid terms.

17. It is clarified that any observations made hereinabove are solely for the purpose of deciding the present bail application, and shall neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.

18. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

MINI PUSHKARNA, J

OCTOBER 5, 2026/SK