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

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Date of Decision: 03.07.2026

+ **BAIL APPLN. 2425/2026 & CRL.M.A. 18812/2026**

LAXMIKANT

.....Petitioner

Through: Ms. Dolly Sharma, Advocate

versus

THE STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Hemant Mehla, APP for State
with SI Anju

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No.554/2020 of PS Prem Nagar for offence under Section 323/363/366/376D/199 IPC, Section 12 POCSO Act and Section 67 IT Act.

2. Broadly speaking, the allegation against the accused/applicant is that he committed rape on a girl, who was minor in age. Earlier, the accused/applicant had filed another application for grant of regular bail, which came up for hearing on 18.03.2026, but since none appeared on behalf of accused/applicant and the prosecution side took me through record



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including a video clip, the bail application was dismissed. Subsequently, even the restoration application was dismissed, though granting liberty to file afresh.

3. Learned counsel for accused/applicant contends that the prosecutrix was major in age, so no offence under POCSO Act is made out. Further, it is contended that since the prosecutrix got married with the accused/applicant, the sexual intercourse with her subsequent to the marriage is not an offence of rape. Further, learned counsel for the accused/applicant contends that the prosecutrix has not supported the prosecution case in the course of her testimony. As per the video clip mentioned above, which according to prosecution was recovered from the mobile phone of the brother of the accused/applicant, it is contended by learned counsel for accused/applicant that the same was recovered from the mobile phone of father of the prosecutrix, who had received the same from brother of the prosecutrix. It is submitted by learned counsel for the accused/applicant that the said video clip was recorded by the prosecutrix herself and it is she only who shared the clip with her brother, who in turn shared the same with her father.

4. The bail application is strongly opposed by learned APP for State, assisted by Investigating Officer/SI Anju, taking me through record, including order dated 18.03.2026 passed by me in the earlier bail application.



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5. The allegation of prosecution as culled out from the FIR, the remaining chargesheet and the chief-examination of the prosecutrix is as follows. When the prosecutrix was studying in 08th or 09th standard, the accused/applicant used to follow her to school and used to send letters through his friends Vipul, Mohit and Bala. The prosecutrix rejected the request of the accused/applicant to be his girlfriend, but on persistence of the accused/applicant, she agreed to be just a simple friend with him. Thereafter, the accused/applicant somehow convinced her to speak with him over a video call while bathing. The accused/applicant recorded that video call in which the prosecutrix was taking off all her clothes in the bathroom and in that video recording, the accused/applicant also is depicted in the short window of that call. According to prosecution, the accused/applicant started blackmailing the prosecutrix that he would circulate the said video. Under this threat, the accused/applicant called the prosecutrix home and raped her. While she was trying to run away from there, the co-accused Vipul, Bala and Mohit stopped her. On the same day, the accused/applicant took her to the Arya Samaj Mandir without disclosing the purpose. At the temple, the accused/applicant again threatened the prosecutrix with circulation of her video and under threat he performed marriage with her. In her chief-examination, the prosecutrix further alleged that the accused/applicant even paid money to the police officials, who had reached there on complaint of her father. Even thereafter, from Arya Samaj Mandir, the accused/applicant



took the prosecutrix to his home where his mother tried to push her into flesh trade in which mother of the accused/applicant was already involved. One day, the prosecutrix was somehow able to grab telephone of the accused/applicant and she called PCR, who rescued her from there.

6. So far as the age of the prosecutrix is concerned, learned counsel for accused/applicant submits that in her cross-examination, the prosecutrix disclosed her date of birth as 05.09.2002 and contended that the alleged rape took place in 2020, so by that time she had attained the age of majority. On this aspect, prosecution places reliance on the birth certificate of the prosecutrix and also contends that the sexual encounter took place earlier. Besides, the allegations are also to the effect that the accused/applicant forcibly established sexual relations with the prosecutrix by blackmailing her with the video clip of her video call with the accused/applicant in which she is depicted naked in the bathroom.

7. I am unable to convince myself that as claimed by learned counsel for accused/applicant, the prosecutrix, who makes a video call to the accused/applicant while taking off her clothes to take bath, would herself record the video call and forward the same to her brother, who in turn would forward the same to her father.

8. Going by the above narrated allegations of the prosecutrix, I do not find it a fit case to grant bail to the accused/applicant.



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9. Therefore, the bail application and the accompanying application are dismissed.

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

**GIRISH KATHPALIA
(JUDGE)**

JULY 03, 2026/as