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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 06.02.2026

+ **BAIL APPLN. 4565/2025**

ANKIT LAKRA

.....Petitioner

Through: Mr. Sachin Pahwa and Mrs. Param Kaur Pahwa, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State with SI Ankita and SI Chanchal. Mr. Archit Upadhayay, Advocate for victim with victim and mother of victim in person.

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 370/2023 of Police Station Pul Prahlad Pur for offence under Section 376 IPC and Section 6 of POCSO Act.
2. In furtherance of last order, DHCLSC appointed a legal aid counsel to represent the prosecutrix. I have heard learned counsel for accused/applicant and learned APP for State as well as learned DHCLSC counsel for the prosecutrix.



3. Broadly speaking, FIR against the accused/applicant was registered on the statement of the prosecutrix in which, she disclosed her age as 17 years and stated that she knew her neighbour Ankit (*the accused/applicant*), with whom she developed friendship, and they established physical relations at their homes repeatedly, but she did not disclose about the same to anyone; that later in the month of April 2023, she went to the home of the accused/applicant and there also, she voluntarily had sexual relations with the accused/applicant and she got pregnant. It is only in November 2023, when she developed stomach ache, that her mother took her to the hospital where she gave birth to a child. After stating those facts in the FIR, the prosecutrix also stated in the FIR that the accused/applicant had falsely promised to get married with her to make physical relations.

4. Learned counsel for accused/applicant submits that the prosecutrix was aged above 17 years and was fully aware of the consensual relations in which she was engaged with the accused/applicant. The accused/applicant is stated to be in custody since 07.11.2023 and all public witnesses already stand examined during trial. Further, it is contended by learned counsel that accused/applicant still wants to get married with prosecutrix.

5. Learned APP for State opposes the bail application on the ground that ultimately the fact remains that the prosecutrix was aged below 18 years at the time of the alleged sexual encounters.

6. Learned DHCLSC counsel for prosecutrix also contends that this is



not a fit case to grant bail to the accused/applicant.

7. In view of submission advanced on behalf of accused/applicant on last date that the accused/applicant wants to get married with the prosecutrix but it is her mother who is objecting, I also spoke in Hindi with the prosecutrix present in court along with her mother. The prosecutrix appears to be well informed and mentally matured. The prosecutrix submits that the child born to her has been given by her to her paternal aunt and now, she does not want to get married with the accused/applicant. Further, the prosecutrix also submits that once she gets settled in her career, she would herself consent for releasing the accused/applicant on bail.

8. In the above backdrop, it would be important to keep in mind that the prosecutrix at the time of the alleged sexual encounters with the accused/applicant was above 17 years of age and was matured enough to know what was good for her. It is also important to keep in mind that even according to the FIR, which was registered on the statement of the prosecutrix, the sexual relations between her and the accused/applicant were with her full consent. Of course, technically speaking, age of the prosecutrix being below 18 years, her consent would not be valid. But here is a case of the girl nearing the age of majority, fully conscious of the consequences of her acts, driven by her humanly desires on one hand and liberty of the accused/applicant on the other.

9. As regards the false promise of getting married, even in her testimony



as PW2, the prosecutrix stated that the promise of marriage came up from the side of accused/applicant only when she informed him about her pregnancy.

10. One also wonders as to how is it that till the prosecutrix developed labour pains, her mother did not come to know about her pregnancy and remained silent.

11. As mentioned above, all public witnesses stand already examined, so there is no scope of any effort of the accused/applicant to tamper with evidence.

12. Learned APP and learned counsel for prosecutrix also submit that the accused/applicant be directed not to leave Delhi-NCR without permission of the learned trial court, for which learned counsel for accused/applicant expresses fair consent.

13. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant.

14. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court. It is also directed that the accused/applicant shall not leave Delhi-NCR without seeking permission from the trial court during



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pendency of the trial.

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

16. Of course, nothing observed in this order shall be read to the prejudice of either side at the final stage of the trial.

**GIRISH KATHPALIA
(JUDGE)**

FEBRUARY 06, 2026/ry