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

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Date of Decision: 09.09.2026# **CNR No. DLHC010282312026**+ **BAIL APPLN. 2489/2026****SOURABH DHAWAN**

.....Petitioner

Through: Mr. S.D. Windlesh, Advocate

versus

GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Rahul**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks anticipatory bail in case FIR No. 73/2026 of PS Tilak Nagar for offence under Section 351(3) BNS and Section 6/10 POCSO Act.
2. In furtherance of last order, status report was filed. I have heard learned counsel for accused/applicant and learned APP for State, assisted by IO/SI Rahul.
3. To begin with, the subject FIR was registered on 28.02.2026 but on



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02.03.2026, the accused/applicant admittedly flew away to Australia. In this regard, the IO submits that they have already opened a LoC against the accused/applicant and process has been initiated to get him extradited.

4. The subject FIR was registered on the statement of father of the sexually abused victim child, narrating the incident as follows. On 27.02.2026, at about 03:00pm, when the complainant *de facto* was in Patiala House Courts and his wife was at her office in Gurugram, he received a phone call from his son aged approximately 12 years, insisting him to return home. The tone of the child was trembling. The child repeatedly called him up in panic, so he got worried and called up his wife, asking her to reach home as soon as possible. When he started to return home, he also received a call from one of the neighbours informing that his brother (*the present accused/applicant*) was behaving very aggressively and was breaking main gate of the house, so he called PCR. In the evening on reaching home he found the entry-exit gate which leads to first, second and third floor of the house was broken, so he again called PCR on coming to know that the accused/applicant had entered the house and was occupying the same. After some time his wife reached home. They found their child crying inconsolably and the child told that the present accused/applicant forcibly entered the house and started behaving very aggressively; that the accused/applicant grabbed the child by collar and slapped him multiple times on his face; that thereafter, the accused/applicant pulled down pants of the child, and grabbed private parts of the child, threatening to cut the same



off; and that thereafter, the accused/applicant removed his own pants and inserted his own penis inside the mouth of the child and threatened to kill his parents.

5. It is against the above backdrop that the accused/applicant seeks grant of anticipatory bail.

6. Learned counsel for accused/applicant has addressed at length. It is contended that since there is a civil dispute pending between the complainant *de facto* and the accused/applicant, the present case has been falsely registered. In this regard, learned counsel for accused/applicant goes on to elaborate that the local police registered the FIR only after the counsel for the complainant *de facto* and his associates created turmoil in the police station after carrying out a slandering campaign against the accused/applicant and police on social media. Learned counsel for accused/applicant also contended that since on coming back from Australia, the accused/applicant found the doors of his house latched from inside and the same were not being opened despite repeated knocks, he called PCR, but even PCR did nothing, so he had no option and he broke open door of the house since he had to fly back to Australia. In his detailed submissions, learned counsel for accused/applicant also refers to different timings in order to demonstrate his argument that there is a conflict of timings in the prosecution case.

7. The anticipatory bail application is strongly opposed by State.



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Learned counsel for complainant *de facto* has opted to appear through videoconferencing, but not being in uniform, I do not find it appropriate to hear him.

8. Indeed, it is not in dispute that the complainant *de facto* is brother of the accused/applicant and they are embroiled in a civil dispute. But the subject FIR has to be seen in the light of its contents. As per FIR, a 12 year old child was sexually abused. This is a very serious allegation, which cannot be brushed aside with an omnibus argument of pendency of the civil dispute.

9. Moreover, as mentioned above, the accused/applicant himself admits having broken doors of the house of the complainant *de facto*, which in itself is a serious issue. Merely because the PCR did not take action, as alleged by him, the accused/applicant had no authority to break open the doors of the house, that too, when even according to him the disputes were already pending between the two brothers.

10. It is not just the complainant *de facto*, as mentioned above even a neighbour of the complainant *de facto* witnessed the brazen lawlessness committed by the accused/applicant.

11. Further, the IO has also played in the courtroom CCTV footages of the premises depicting the gate broken open by the accused/applicant as well as entry of the accused/applicant inside the premises of the complainant *de facto*, in which the accused/applicant is shown making some video with his



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mobile phone.

12. To reiterate, in the backdrop of the above heinous allegations, the FIR was registered on 28.02.2026 and within two days, the accused/applicant fled away to Australia. This conduct of the accused/applicant in itself shows that if granted any indulgence, the accused/applicant shall not appear in trial.

13. Keeping in mind the obnoxious allegations of sexual abuse of child levelled against the accused/applicant, coupled with his conduct mentioned above, I do not find it a fit case to grant anticipatory bail.

14. Therefore, the anticipatory bail application is dismissed.

15. At this stage, at request of learned counsel for accused/applicant his submission is taken on record that he entered the premises at 04:50pm accompanied with his wife, father-in-law, 6 year old daughter, brother-in-law and father's sister's husband.

**GIRISH KATHPALIA
(JUDGE)**

SEPTEMBER 09, 2026/as