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

% *Date of Decision: 20.03.2026*

\+ **BAIL APPLN. 815/2026 & CRL.M.A. 6238/2026**

WASIM AKHTAR .....Petitioner

Through: Mr. Vijayant Sharma, and Mr. Nishant Kumar Saxena, Advocates

versus

STATE (GNCT OF DELHI) .....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State with SI Neha

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 53/2025 of PS Karawal Nagar for offence under Section 64(1)/137(2) BNS and 4 POCSO Act.

2. Broadly speaking, the FIR was registered on the statement of 17 year old prosecutrix, narrating the alleged incident as follows. The prosecutrix was living with her mother and two brothers as her father passed away four years back and she knew the accused/applicant for past one year as they used to speak over telephone. On 14.02.2025, the accused/applicant called her to the house of a lady under some pretext. Once the prosecutrix reached

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there, the accused/applicant filled parting of her hair with vermilion and kissed her. Thereafter, despite her protests the accused/applicant established sexual relations with her. On reaching home, her brother called police after which her medical examination was carried out.

3. Learned counsel for accused/applicant contends that the prosecutrix was aged above 18 years and indulged in sexual relations with her consent. It is also contended by learned counsel for accused/applicant that the day of the alleged incident was a special day being Valentine Day.

4. Learned APP for State assisted by IO/SI Neha strongly opposes the bail application, contending that the prosecutrix as well as her brother have supported prosecution in the course of their testimony recorded during trial. The prosecutrix herself has appeared today to oppose the bail application, though she has now got married with someone else. Learned APP for State has also shown me a copy of the certificate issued by the MCD School where the prosecutrix was studying and according to the same, date of birth of the prosecutrix was 14.01.2008. Learned APP for State, on instructions of IO, also submits that even the DNA of the accused/applicant was detected in the vaginal swab of the prosecutrix.

5. Merely because, a girl is friendly with a boy and the day is Valentine Day, it does not give licence to the boy to forcibly establish sexual relations with her. Even filling the hair parting of the girl with vermilion without her consent cannot be justified, though it is not a prescribed offence.

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6. The stand taken by the prosecutrix in lodging the FIR and supporting prosecution case in her testimony during trial followed by her presence even today to oppose the bail application clearly shows that the alleged incident was against her consent.

7. Considering the above circumstances, I do not find it a fit case to grant bail to the accused/applicant at this stage.

8. Therefore, the bail application as well as the pending application are dismissed.

9. It is made clear that nothing observed in this order shall be read to the prejudice of either side at the final stage of the trial.

10. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant immediately.

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GIRISH KATHPALIA
(JUDGE)

MARCH 20, 2026/*as*