



2026:DHC:3342



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

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Date of Decision: 22.04.2026

+ **BAIL APPLN. 878/2026**

VIVEK

.....Petitioner

Through: Mr. Vinay Pratap Singh and Mr. Nitin
Kumar Mudgal, Advocates.

versus

STATE (GOVT OF NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with IO/WSI Krishna.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 394/2023 of Police Station Dwarka Sector 23 for offence under Section 363/376 IPC and Section 6 of POCSO Act.

2. After last adjournment, status report was filed by prosecution side. I have heard learned counsel for accused/applicant and learned APP for State assisted by IO/WSI Krishna. I have also heard parents of the prosecutrix.



3. Broadly speaking, the prosecution case is that a missing complaint of his daughter was lodged by the first informant and subsequently, the minor girl was found with the accused/applicant at the home of sister of the accused/applicant.

4. Learned counsel for accused/applicant submits that the prosecutrix specifically stated on oath in her statement under Section 164 CrPC that she had left her parental home and had accompanied the accused/applicant voluntarily. It is also contended that according to the ossification test, the prosecutrix was aged more than 15 years, though less than 17 years. Further, it is submitted that during trial, neither the prosecutrix nor her parents have supported the prosecution case.

5. Learned APP assisted by the IO fairly admits that there is very little scope of conviction of the accused/applicant for the offences he has been charged with.

6. Parents of the prosecutrix submit that their concern was to trace out their daughter, so missing complaint was lodged by them, but now they do not want to prosecute the accused/applicant.

7. Considering the above circumstances, especially the testimony of the prosecutrix and her parents, coupled with age of the prosecutrix bordering the age of consent and her truthful stand since beginning, even in the course of her statement under Section 164 CrPC, I find this a fit case to grant relief of bail to the accused/applicant.



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8. 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.

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

**GIRISH KATHPALIA
(JUDGE)**

APRIL 22, 2026/ry