



\$~51

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

%

*Date of Decision: 24.04.2026*

+ **BAIL APPLN. 1586/2026 & CRL.M.A. 12697/2026**

NAJIM

.....Petitioner

Through: Mr. Harjas Pratap Singh Anand and  
Mr. Utsav Shrivastava, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State  
with SI Veena, PS S.P. Badli

**CORAM: JUSTICE GIRISH KATHPALIA**

**J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 615/2025 of PS Samaypur Badli for offence under Section 64(1) BNS and Section 6 POCSO Act.
2. Broadly speaking, prosecution case is that the accused/applicant, aged about 42 years and father of 6 children, forcibly raped the prosecutrix, who was minor in age.
3. Learned counsel for accused/applicant submits that the accused/applicant is innocent and has been falsely implicated in this case.



It is contended that the arrest of the accused/applicant was 21 days subsequent to the registration of the FIR; that the Investigating Officer did not even seek his police custody; that the accused/applicant is in jail for past more than 300 days and there is no possibility of him tampering with the evidence. It is also contended by learned counsel for the accused/applicant that the prosecutrix has no objection if the accused/applicant is released on bail.

4. On the other hand, learned APP for State, assisted by Investigating Officer SI Veena strongly opposes the bail application, taking me through testimony of the prosecutrix PW1. As regards delayed arrest of the accused/applicant, it is stated by the Investigating Officer that the accused/applicant was not traceable.

5. So far as the delayed arrest of the accused/applicant is concerned, it is not the case of an unknown aggressor, who had to be found out. The accused/applicant was named by the prosecutrix in the FIR itself. That being so, merely because there was a delay of about 20 days in arresting the accused/applicant, prosecution case cannot be discarded.

6. I have examined the testimony of the prosecutrix/PW1; she has supported the prosecution case. The mother and brother of the prosecutrix are yet to be examined in trial.

7. Further, the prosecutrix became pregnant on account of her rape allegedly committed by the accused/applicant, which according to her



was despite her resistance. As mentioned above, the accused/applicant is almost 21 years older than the prosecutrix and is father of six children.

8. As regards the consent of the prosecutrix for grant of bail, in my considered opinion, merely because the prosecutrix has no objection to the grant of bail, the Court cannot ignore the overall circumstances including the allegations and the testimony of the prosecutrix before the trial court. The prosecutrix and the accused/applicant are living in the same vicinity. Also, the court cannot ignore the socio-economic conditions in which the prosecutrix and the accused/applicant are living. If in such conditions, the prosecutrix opts not to resist grant of bail, the court cannot take a decision on such view of hers. Therefore, in my view, the no objection given by the prosecutrix to grant of bail cannot be considered as a relevant factor, especially when her mother and brother are yet to step into the box.

9. Considering the overall circumstances as described above, I do not find it a fit case to release the accused/applicant on bail at this stage. Therefore, the bail application is dismissed.

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

**GIRISH KATHPALIA  
(JUDGE)**

**APRIL 24, 2026/as**