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

% *Date of Decision: 25.11.2026*

\# **CNR No. DLHC010444422026**

\+ **BAIL APPLN. 3927/2026**

MR. ASLOK (IN JC) .....Petitioner

Through: Mr. M. Hasibuddin, Advocate (*through videoconferencing*) and Mr. Harsh Dutta, Advocate

versus

THE STATE (GOVT. OF NCT OF DELHI) .....Respondent

Through: Ms. Manjeet Arya, APP for State with Inspector Mantosh Kumar
Mr. Kumar Shailabh, Advocate for Victim

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 320/2024 of Police Station Shalimar Bagh for offence under Sections 70(2)/123/3(5) BNS & Section 6/17 POCSO Act.

2. After last date, status report was filed. I have heard learned counsel for accused/applicant as well as learned APP for State and learned counsel for prosecutrix.

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3. Broadly speaking, prosecution case is as follows. The co-accused Sonu, who knew the prosecutrix, called her to a house where her former friend co-accused Prince and the present accused/applicant were already present. All three of them administered her some intoxicant through two energy drinks and when she started losing consciousness, Prince and Sonu sent the present accused/applicant out of the room for locking the same from outside. The accused/applicant went out after locking the door of the room from outside. After some time when she regained consciousness, the prosecutrix found Prince and Sonu lying shirtless by her side.

4. Learned counsel for accused/applicant submits that since the prosecutrix already stands examined before the trial court, it is a fit case to grant him bail. It is also submitted that the role ascribed to the accused/applicant is admittedly that he did not rape her. It is submitted that the accused/applicant was not aware about intentions of Prince and Sonu. Learned counsel also submits that there is no clarity as to how the prosecutrix came out of the room if the same was locked from outside.

5. Learned APP for State and learned counsel for prosecutrix strongly oppose the bail application on the ground of gravity of offence and pendency of trial. It is submitted by them that the prosecutrix has strongly supported prosecution case in trial. As regards the argument as to how the prosecutrix came out of the room, it is submitted by them that prosecutrix herself stated that the room was opened by one Anjali. It is also submitted that the friend of the victim, who was accompanying her prior to the alleged

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incident, is yet to appear before the trial court, so release of the accused/applicant would not be proper.

6. As reflected from the status report, the accused/applicant was clearly seen with the prosecutrix and the co-accused Sonu and Prince immediately prior to the incident at the spot. The prosecutrix was aged less than 16 years at the time of the alleged incident. Further, the vaginal swab of the prosecutrix was found by FSL to contain DNA matching with the DNA profile of co-accused Prince.

7. I am unable to accept the contention of learned counsel for accused/applicant that his role in the alleged offence was not that serious. There was no reason for the accused/applicant to lock the door of the room from outside, that too, despite being fully aware that the prosecutrix was losing consciousness after consumption of the energy drinks and the remaining two co-accused persons did not have clean intentions. On this aspect, it is submitted by learned counsel for accused/applicant that the prosecutrix and the co-accused persons consumed the energy drinks after he had left the room. But even that does not explain his conduct of locking the room from outside, leaving the prosecutrix with those two boys inside the room.

8. Keeping in mind the gravity of the offence and the fact that a crucial witness of prosecution is yet to be examined in trial, I do not find it a fit case to grant bail.

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9. Therefore the bail application is dismissed.

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

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GIRISH KATHPALIA
(JUDGE)

NOVEMBER 25, 2026/*as*

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