



2026:DHC:705



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

% *Date of Decision: 29.01.2026*

+ **BAIL APPLN. 376/2026 & CRL.M.A. 2900/2026**

INDERJEETPetitioner

Through: Ms. Vanshika Gupta, proxy counsel

versus

STATE GOVT OF NCT OF DELHIRespondent

Through: Mr. Nawal Kishore Jha, APP for State
with SI Sonia Rathi, PS Kanjhawala

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 218/2023 of PS Kanjhawala for offence under Section 363/366/376 IPC & 6/21 POCSO Act.

2. I have heard learned proxy counsel for accused/applicant and learned APP for State assisted by SI Sonia Rathi.

3. Broadly speaking, the prosecution case, as culled out of FIR is that the prosecutrix was repeatedly raped by her father and thereafter, she developed friendship with her neighbour who is the present accused/applicant. In her FIR itself, the prosecutrix stated that she fell in love with the



accused/applicant and got married with him, but even after her marriage, her parents used to call her home and there her father used to forcibly establish sexual relations with her. When the prosecutrix shared all this with the accused/applicant, he called police, after which the matter was also referred to the Women's Commission. On the basis of these allegations, FIR was registered and investigation commenced, in the course whereof supplementary statement of the prosecutrix was recorded. In the said supplementary statement, the prosecutrix alleged rape against the accused/applicant, but subsequently, she clarified that she had alleged rape against the accused/applicant under pressure of her mother.

4. Learned proxy counsel for accused/applicant contends that the accused/applicant has been falsely implicated in this case only because of his love affair with the prosecutrix and their marriage, which was not approved of by her parents. It is further contended that the accused/applicant got married with the prosecutrix much prior to even registration of the FIR. Learned proxy counsel for accused/applicant also submits that father of the prosecutrix, rape allegations against whom commenced the investigation, is one of the accused but has been released on bail. It is also submitted that during her testimony in trial, the prosecutrix has not supported prosecution case.

5. Learned APP for State on instructions of the IO submits that in view of peculiar circumstances of this case, prosecution cannot justify flip-flop of the prosecutrix, so there is no serious objection.



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6. Keeping in mind that much before registration of the FIR, the accused/applicant got married with the prosecutrix; that on coming to know about her sexual abuse by her father, it is the accused/applicant who ignited the criminal justice machinery; that father of the prosecutrix has already been released on bail; and that the above described different statements of the prosecutrix, last of which is her chief examination before the trial court, not supporting the prosecution, I do not find any reason to further deprive the accused/applicant liberty.

7. 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. Pending application also stands disposed of.

8. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

9. Of course, nothing observed in this order shall be read to the prejudice of either side at the final stage of the trial.

GIRISH KATHPALIA
(JUDGE)

JANUARY 29, 2026/as