



**Bail Under The  
Protection of Children  
from Sexual Offences  
Act, 2012 (POCSO)**

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**June 2026**

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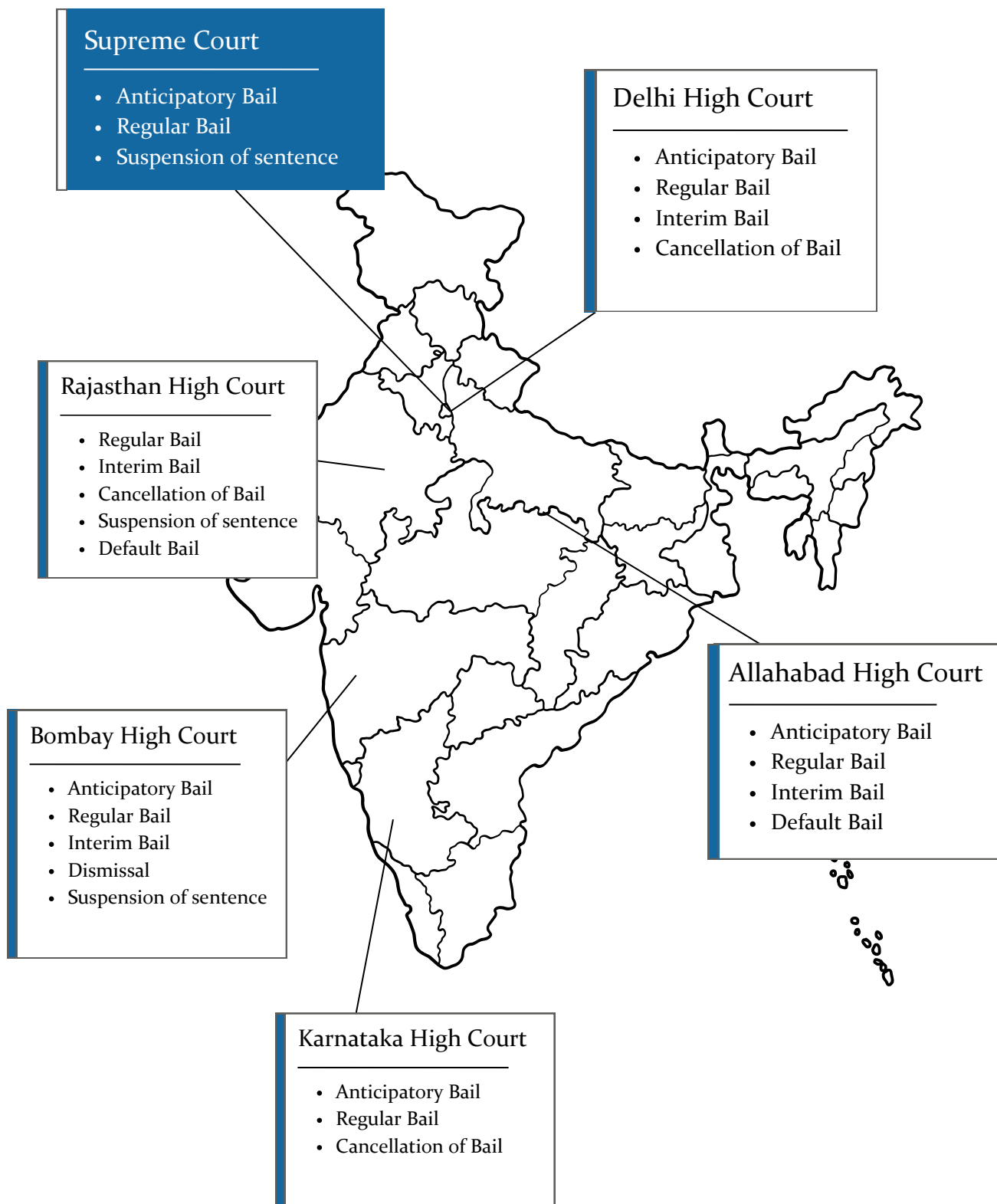
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# Introduction

This primer acts as a case law repository and handbook for legal professionals on bail applications in trials related to the Protection of Children from Sexual Offences (POCSO) Act, 2012. It covers the landmark judgments of the the Supreme Court of India and the High Courts of Delhi, Maharashtra, Uttar Pradesh, Rajasthan and Karnataka.



# Understanding Bail\*

## Anticipatory Bail

Before arrest; when a person anticipates arrest for a non-bailable offense.  
(Under Section 438 CrPC / 482 of BNSS)

## Regular Bail

Once arrested; at any stage of investigation, inquiry or trial.  
(Under Sections 437 and 439 CrPC / 480 and 483 BNSS)

## Interim Bail

At any stage after arrest; including during pendency of a regular or anticipatory bail application. If granted, the Court may extend the time for the interim bail.

## Default Bail (Statutory Bail)

When the investigation is not completed within the prescribed time limit. This provision also states that when the investigation is expected to exceed beyond 24 hours, the officer-in-charge has the duty to immediately inform the nearest magistrate of such arrest and produce the accused before him. On the expiry of the period of detention authorised by the magistrate, the accused shall be released on bail unless the magistrate authorises further detention.  
(Under Section 167(2) CrPC / 187(3) BNSS).

*\*Please note that all cases registered and filed prior to 1 July 2024 are to be tried under the Code of Criminal Procedure, 1973 (CrPC), Indian Penal Code, 1860 (IPC) and the Indian Evidence Act, 1872 whereas all cases registered and filed on or after 1 July 2024 are to be tried under the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), Bharatiya Nyaya Sanhita, 2023 (BNS) and Bharatiya Sakshya Adhinyam, 2023 (BSA).*

[1] Please refer to Annexure A for a detailed overview.

[2] Section 167(2) of CrPC / 187(3) of BNSS - sixty or ninety days which is determined based on the gravity of the offence alleged.

# Securing release on bail in POCSO Cases

When considering bail in POCSO cases, courts typically weigh several factors, including the severity of the alleged crime, criminal history and behavior of the accused, the risk of the accused fleeing justice, and the potential for the accused to interfere with the investigation. In the context of POCSO cases, securing bail can be a complex process, requiring careful adherence to specific legal procedures.

## Bail Process

If bail is granted, the court determines the:

- **Bail bond amount:** The financial guarantee the accused person must provide to ensure their appearance in court.
- **Number of sureties:** Individuals who guarantee the accused person's appearance and forfeit the bail amount if the accused absconds.

## Bail Bond Details

To fulfill the bail bond requirements, the following documents are generally needed:

- Proof of bail amount, in the form of Fixed Deposit/or any movable or immovable property of such value.
- Form No. 45 with details of the accused person and the surety, accompanied by an affidavit on behalf of the surety.
- Self attested copy of government issued ID of each surety.
- Completed bail bond along with two copies of the order to the court.

## Post-Bail Procedure

Once the bail bond is approved, the court issues a release order. The surety must present this order to the detention facility to secure the accused's release.

However, it is important to note that despite the above being the standard procedure, there may be procedural differences among different courts in the way the bail applications are filed and granted.

### Cancellation of Bail

An application for cancellation of a bail order can be filed against an already issued bail order. An application for cancellation of bail is mostly filed in case the accused person(s) violates any of the bail conditions imposed on them. High courts also possess the power to cancel bail in respect to orders passed by themselves or any subordinate court.

### Suspension of sentence u/s 389 CrPC / 430 BNSS

The CrPC allows appellate courts to suspend sentences and release appellants on bail u/s 389 / 430 BNSS, pending the appeal. Suspending a sentence does not imply suspending the conviction itself; it merely halts the punishment temporarily. A court may partially or fully suspend a sentence.

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[3] Section 439 (2) of CrPC / Section 483(3) of BNSS.

# Relevant Case Laws

## Supreme Court

### Anticipatory Bail – Granted

No.	Case	Grounds	Paras
1	<b>State of Jharkhand v. Md. Sufiyan, 2024 SCC OnLine SC 989</b> Date of Order: January 16, 2024	The Supreme Court found that the approach of the Jharkhand High Court in granting anticipatory bail to the accused on agreeing to pay Rs. 1 Lakh as ad-interim compensation is against settled principles of law and is not sustainable in law. However, since the trial had commenced and the victim was reported to have accepted the said amount of Rs 1 Lakh, the Court declined to interfere in the matter and upheld the order <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 341/354B/504/506/509 IPC, 8 POCSO Act and 66E/67 Information Technology Act (IT Act).	2, 6-8
2	<b>Anil Meena v. State of Rajasthan &amp; Anr. 2022 SCC OnLine SC 1689</b> Date of Order: September 14, 2022	The Supreme Court observed that the Magistrate's decision to take cognizance of the case, despite a closure report, and order a re-investigation based on the child victim's protest application was sufficient ground for <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 376/506 IPC and 3/4 POCSO Act.	3-5

### Other

No.	Case	Grounds	Paras
3	<b>XYZ and others v. State of MP and Another, (2021) 16 SCC 179</b> Date of Order: March 18, 2021	The Supreme Court issued the following directions with regard to bail conditions in sexual offence cases: <ol style="list-style-type: none"><li>1. Bail conditions should not mandate, require or permit contact between the accused person and the victim.</li><li>2. Where there is potential threat of harassment of the victim, no contact between the accused person and victim must be ensured. If the accused person is granted bail, the complainant should be informed forthwith.</li><li>3. Bail conditions and orders should avoid stereotypical or patriarchal notions about women and their place in society.</li><li>4. In gender-related crimes, courts should not suggest compromises such as getting married, rakhi, or mediation.</li><li>5. Promiscuity of women should not be a ground to grant bail.</li></ol>	44

No.	Case	Grounds	Paras
4	<b>Sumitha Pradeep v. Arun Kumar C.K</b> 2022 SCC Online SC 1529 Date of Order: October 21, 2022	The Supreme Court, taking into account the fact that the case involved allegations of sexual assault committed against a 12 year old girl child by her uncle, and the trauma caused to the child victim due to the assault, <b>cancelled</b> anticipatory bail that had been granted to the accused person by the High Court. It held that non-requirement of custodial interrogation can not be the sole criteria for granting such bail. The prima facie case, nature of offence and punishment prescribed for the same are the first and foremost thing to be considered by the Court. The FIR was registered u/s 354A IPC and 7/8/9/10/11 POCSO Act.	11-16

## Regular Bail

No.	Case	Grounds	Paras
5	<b>Deshraj v. State of Rajasthan, 2024 SCC OnLine SC 2709</b> Date of Order: October 4, 2024	The fact that the accused person was of young age of 18.5 years and had been in custody for some months, coupled with the likelihood of a prolonged trial as twelve witnesses were yet to be examined were the grounds considered while <b>granting</b> regular bail to the accused person. The case involved allegations of sexual assault against a 16 year old child victim. The FIR was registered u/s 354D/506/363/366/511/34 IPC and 7/8/11/12 POCSO Act.	9-12
6	<b>Ms A v. State of Rajasthan and Another, (2022) 14 SCC 414</b> Date of Order: August 16, 2021	The Court held that considering the severity of allegations - it was a case of repeated penetrative sexual assault committed by a father against his minor daughter over a period of 6 years - mere long pendency of the trial was not a sufficient ground to grant regular bail to the accused person. This was the ground considered while <b>cancelling</b> regular bail of the accused person. The FIR was registered against the accused person u/s 376/376(2)(n) IPC and 3/4/5/6 POCSO Act.	6 and 9
7	<b>X (Minor) v. The State of Jharkhand &amp; Another, 2022 SCC Online SC 2373</b> Date of Order: February 21, 2022	The age of the child victim (13 years) coupled with the nature and the gravity of the offences (aggravated penetrative sexual assault) were the grounds considered while <b>cancelling</b> regular bail of the accused person. The Court held that considering the victim's age, grounds like a love affair between the victim and the accused, and the alleged refusal of the accused to marry will have no bearing on the grant of bail. The FIR was registered u/s 376 IPC and 6 POCSO Act.	6 and 7

No.	Case	Grounds	Paras
8	<b>H. Ekanthaiah v. State of Karnataka and Anr, 2024 SCC OnLine SC 677</b> Date of Order: April 23, 2024	The fact that the accused was an influential person, and the risk of intimidation of or tampering with the 12-13 material witnesses which comprised of the victims, their parents, complainants and other officers whose testimonies were still pending, were the grounds considered in putting a <b>stay of 4 months upon the order of the High Court granting bail</b> to the accused person. The accused person was ordered to surrender. The case involved allegations of aggravated penetrative sexual assault u/s 5/6 POCSO Act.	7 and 16
9	<b>Bhagwan Singh v. Dilip Kumar, 2023 SCC OnLine SC 1059</b> Date of order: August 23, 2023	The fact that the status of the child victim's father (who was a constable) as compared to Accused No.1, who was the son of a sitting MLA places her in a state of constant threat and influence, the criminal antecedents of Accused No.2, the specific allegations against Accused No.1 in the complaint, the threat put to the victim of the video going viral, the societal circumstances the victim was placed in and her tender age (15 years 6 months) were the grounds considered for <b>cancelling</b> the regular bail of the accused person. The Court reasoned that the delay in filing the FIR can not be taken as consideration alone, rather seen in context of the fact that the child victim was being constantly threatened by the accused persons. The case involved allegations of gang rape, threat of making the video of the rape go viral, and extortion.	12, 14, 18, 21, 22

## Suspension of Sentence

No.	Case	Grounds	Paras
10	<b>Jeetu Khatik v. State of Chattisgarh 2022 SCC OnLine SC 1356</b> Date of Order: April 11, 2022	The grounds for <b>suspending the sentence and granting bail</b> to the accused person included the fact that the High Court neither provided any cogent reasons for rejecting the suspension nor a proper timeline for hearing and disposal of the appeal (instead stating that the appeal will be taken in due course), thus implying that a considerable delay might be expected in the hearing of the appeal. In addition, the fact that the maximum punishment awarded in the case was 3 years imprisonment, and the absence of criminal antecedents of the accused and that he exhibited good behaviour while in jail were also considered as grounds. The accused person was convicted u/s 363/354 IPC and 8 POCSO Act.	10, 13, 16

## Other

No.	Case	Grounds	Paras
11	<b>Purushothaman v. State of Tamil Nadu 2023 SCC OnLine SC 1410</b> Date of Order: October 30, 2023	The accused person was convicted u/s 6 POCSO Act. He preferred an appeal before the High Court along with the application for suspension of sentence and grant of bail. His sentence was suspended by the High Court and he was granted bail. Later, at the time of final hearing of the appeal, counsel for the accused sought adjournment and the High Court cancelled his bail on the ground that the adjournment was sought on unreasonable grounds. In the appeal preferred against the said order of the High Court cancelling the bail, the Supreme Court <b>restored</b> the bail granted to the accused person while holding that the accused cannot be penalised for default of his counsel without giving the accused an opportunity of being heard.	8

# Relevant Case Laws

## Delhi High Court

### Anticipatory Bail – Granted

No.	Case	Grounds	Paras
1	<b>Priyanshu Pandey v. State (NCT of Delhi)</b> , 2025 SCC OnLine Del 256 Date of Order: January 17, 2025	The fact that the accused had a credible alibi on the date of the alleged incident, the CCTV footage retrieved from the crime scene supporting the non-involvement of the accused person, and the notable improvements in statement of the child victim given before the magistrate as opposed to the facts she stated in the FIR regarding the role of the accused person were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 110/351(2)/331(8)/191/3(5)/61(2)(a)/70(1)/74 BNS and 8 POCSO Act.	6,7,8
2	<b>Chandna Shekhar v. State (NCT of Delhi)</b> , 2025 SCC OnLine Del 1802 Date of Order: March 25, 2025	The fact that there was a delay of 1.5 years in the registration of the FIR by the child victim, lack of evidence showing that the accused person conducted an ultrasound or abortion on the child victim, and the child victim initially not alleging being administered abortion pills by the accused person in the FIR but subsequently making such allegation in her S.183 BNSS statement, were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 123/64/87/351(2)/3(5) BNS and 6 POCSO Act.	4,9,10,11,13
3	<b>Sanjay Khatri v. State (NCT of Delhi)</b> , 2024 SCC OnLine Del 4041 Date of Order: May 20, 2024	The fact that there was an ongoing marital dispute and pending litigation between the mother of the child victim and the accused person(father), the written statement by the child victim to the police on the date of the alleged incident stating that the accused person had done nothing wrong to her, no such allegation made by the child victim in the MLC, registration of the FIR after 4 days of the alleged incident, and that the accused person had not misused the interim protection earlier granted by the Court nor threatened any witnesses, were among the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 354/354B/506 IPC and 10 POCSO Act.	34-44
4	<b>Chandra Mohan Khandelwal v. State and Others</b> , 2023 SCC OnLine Del 4206 Date of Order: July 19, 2023	[2] The facts that the accused person had joined the investigation as and when directed and there was no report of misuse of the liberty granted earlier by the court were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 354 IPC, 8 POCSO Act, 3/4 Child Labor Act and 79 Juvenile Justice (JJ) Act.	3 and 4

No.	Case	Grounds	Paras
5	<b>Gaurav Arora v. State of NCT Delhi, 2022 SCC OnLine Del 815</b> Date of Order: March 22, 2022	The fact that there was a marital discord between the mother of the child victim and the accused (father), delay in filing FIR and the fact that the additional status report filed by the police stated that the allegations were false and that at this stage custodial interrogation was not required were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 354 IPC and 8 POCSO Act.	13

## Anticipatory Bail – Rejected

No.	Case	Grounds	Paras
6	<b>Alok v. State (NCT of Delhi), 2025 SCC OnLine Del 866</b> Date of Order: February 14, 2025	The fact that the accused person failed to establish that the child victim had falsely filed and subsequently withdrawn a previous complaint against him, the fact that the CCTV footage relied upon by the accused person to prove the lack of any sexual assault was yet to be verified by forensic examination because of which no conclusive inference can be drawn, the investigation still being at a crucial stage, the age of the child victim (14 years), the repeated nature of the alleged penetrative sexual assaults on her, her consistent support of her version of events, and the possibility of tampering of evidence and influencing of witnesses by the accused were the grounds considered while <b>rejecting</b> anticipatory bail to the accused person. The FIR was registered u/s 64/351(2) BNS, 2023 and 6 POCSO Act.	14, 15, 16
7	<b>Saiful Khan v. State, 2024 SCC OnLine Del 8505</b> Date of Order: December 3, 2024	The fact that the allegations against the accused person were grave, namely sexual harassment of the child victim and her exploitation through coercion and blackmail for pornographic purposes, and that the case involved electronic gadgets and electronic evidence necessitating adequate freedom to conduct the investigation as deemed appropriate by the investigation agency, were the grounds considered while <b>rejecting</b> anticipatory bail to the accused person. The FIR was registered u/s 354D/506 IPC and 12 POCSO Act.  The Court also emphasised upon the disturbing trend of exploiting the anonymity and reach of social media platforms to perpetrate sexual crime against minors while stating that it cannot ignore the broader societal implications of such acts.	16, 17, 21, 22, 23, 24

No.	Case	Grounds	Paras
8	<b>Khushal Singh v. State of NCT of Delhi, 2024 SCC OnLine Del 356</b> Date of Order: January 19, 2024	The minority of the victim, seriousness of the allegations against the accused who was the resident of the same locality where the alleged offence took place, issuance of non-bailable warrants against the accused, and his non-cooperation in the investigation were considered grounds for <b>rejecting</b> anticipatory bail to the accused person. The FIR was registered u/s 354/354A/354D/509 IPC and 8/12 POCSO Act.	6 and 8
9	<b>Harsh Prateek Khakha v. The State of NCT of Delhi, Bail Appln. 3327/2023</b> Date of Order: October 11, 2023	The fact that mobile of the accused was switched off and his whereabouts were unknown since around the time of registration of FIR, it being a case of repeated penetrative sexual assault, the requirement for a comprehensive custodial interrogation considering that it was the initial stage of investigation, and the high probability that the accused person may tamper with evidence were the grounds considered while <b>rejecting</b> anticipatory bail to the accused person. The FIR was registered u/s 376(2)(n)/506/509/323/313/120B/34 IPC and 6/21 POCSO Act.	16-18
10	<b>Deepak Mandal v. State Govt. of NCT of Delhi and Another, 2023 SCC OnLine Del 1480</b> Date of Order: March 13, 2023	The fact that the accused person alongwith the co-accused had repeatedly committed the offence of penetrative sexual assault against the child victim, that he was evading arrest, and proceedings u/s 82 of the CrPC had already been initiated were the grounds considered while <b>rejecting</b> anticipatory bail to the accused persons. The FIR was registered u/s 346/323/506/34 IPC and 6 POCSO Act.	7 and 8
11	<b>Zeeshan Khan v. State (Govt. of NCT of Delhi), 2022 SCC OnLine Del 2226</b> Date of Order: July 28, 2022	The fact that the accused person had repeatedly committed the offence of penetrative sexual assault against the victim since she was 13 years old, that the said offence was committed over a period of time, child victim's images being put on social media by the accused person, and that the child victim had to undergo an abortion were the grounds considered while <b>rejecting</b> anticipatory bail to the accused person. The FIR was registered u/s 376/506 IPC and 6 POCSO Act.	17

## Regular Bail - Granted

No.	Case	Grounds	Paras
12	<b>Anil Kumar Bharti v. State (NCT of Delhi), 2025 SCC OnLine Del 219</b> Date of Order: January 17, 2025	The fact that the child victim did not support the prosecution's case in her first statement made u/s 164 CrPC, but in a subsequent statement recorded 23 days later levelled allegations against the accused person and his relatives of restraining and confining her, and getting her married to the accused person on the basis of forged and fabricated documents, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/366/368/323/344/376/506/120B/34 IPC and 6/17/21 POCSO Act.	10, 11, 12
13	<b>Vivek Goswami v. State (NCT of Delhi), 2024 SCC OnLine Del 7462</b> Date of Order: October 21, 2024	The fact that the child victim, in her statement made u/s 164 CrPC, stated that she had been pressured by her parents to file a complaint against the accused person and stated that she had, in fact, wilfully accompanied the accused person on the date of the alleged offence and no physical relations had been established, along with the fact that the accused person is a 21-year-old with no criminal antecedents and that his continued incarceration would be detrimental to his mental well-being, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376/506 IPC and 6 POCSO Act.	18, 20, 21, 22
14	<b>Riyaz v. State (NCT of Delhi), 2024 SCC OnLine Del 5918</b> Date of Order: August 27, 2024	The fact that the child victim, both in her statement made u/s 164 CrPC and in her statement to the doctors, stated that she had eloped with the accused person of her own volition and had established a consensual relationship with him, the young age of the accused person (approximately 20 years at the time of commission of the offence) and the fact that he had already undergone three years of incarceration during which all public witnesses, including the child victim, had been examined, eliminating any apprehension of witness tampering, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/376 IPC and 6 POCSO Act.	9-17
15	<b>Santosh Anand v. State (NCT of Delhi), 2024 SCC OnLine Del 4457</b> Date of Order: July 1, 2024	The fact that the child victim had improved his statement made u/s 164 CrPC after a lapse of nearly four months from his initial statement, and that the accused person was not named in the original chargesheet but was later arrayed as an accused for committing penetrative sexual assault in the supplementary chargesheet solely on the basis of the second statement of the child victim, raising the possibility of tutoring, along with the fact that the accused person had already spent nearly five years in custody, were the grounds considered while <b>granting</b> regular bail to the accused person.	21, 23,-27

No.	Case	Grounds	Paras
16	<b>Sattar v. State (NCT of Delhi), 2024 SCC OnLine Del 4456</b> Date of Order: July 1, 2024	The fact that the prosecution had no corroborative evidence apart from the sole testimony of the child victim which could inspire the Court's confidence, and that the accused person had been in custody since 2020 with the trial likely to be prolonged, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363 IPC. Post investigation, a chargesheet was filed u/s 363/376/342/328/368/109 IPC and 6 POCSO Act.	15-19
17	<b>Abhay v. State, 2024 SCC OnLine Del 1063</b> Date of Order: February 19, 2024	The alleged incident of abduction, forceful marriage and sexual assault took place in 2019 (when the victim was 17 years old) but was reported only in 2023, during which time no report regarding the child being missing was filed by the family of the victim. In a previous complaint filed by the victim in 2022, she raised issue with the accused not providing her maintenance despite having a child together and them cohabiting, but failed to mention any abduction or sexual assault. These grounds, as well as the child victim's statement failing to inspire the confidence of the court, and absence of any criminal antecedent of the accused person, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/365/342/323/506/376 IPC and 6 POCSO.	18-28
18	<b>Mohd. Rafi v. State and Anr., 2024 SCC OnLine Del 632</b> Date of Order: January 31, 2024	The fact that child victim's testimony failed to inspire the confidence of the court, the suspicious nature of the arrest of the accused person, no efforts made to procure CCTV footage considering that the alleged offence took place in the lift of a busy residential society, that the victim had alleged that the offence was committed while she was taking her sister's children in the lift yet no statement of the children were recorded, that the victim herself stating that she was in regular touch with the accused, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376 IPC and 4/6 POCSO Act.	13-17
19	<b>Akash v. State of NCT of Delhi and Another, 2024 SCC OnLine Del 142</b> Date of Order: January 11, 2024	The fact that the child victim failed to identify the accused person in the Test Identification Parade (TIP), that the accused person was not named in the child victim's statement u/s 161 and 164 of CrPC and was implicated merely on the disclosure statement made by one of the co-accused, and the fact that 2 other co-accused had been granted bail were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR u/s 363 IPC was filed by the father of the child victim.	9-11

No.	Case	Grounds	Paras
20	<b>Aditya Raj v. State and Another, 2023 SCC OnLine Del 7769</b> Date of Order: December 7, 2023	The fact that there were discrepancies and contradictions in the statement of the child victim, her refusal to undergo the internal medical examination, delay in filing the FIR, the admission by the child victim that there was a relationship between her and the accused person, that the accused has been in judicial custody for a year and the trial might take time in completion along with absence of any flight risk of the accused were the grounds considered for <b>granting</b> regular bail to the accused person. The FIR was registered u/s 354C/354D/506 of IPC and after investigation charges for the offence of aggravated penetrative sexual assault u/s 6 POCSO Act, 2012 were also added.	19-21
21	<b>Rinku v. State (NCT of Delhi), 2023 SCC OnLine Del 7577 and Ram Prasad v. State NCT of Delhi, 2023 SCC OnLine Del 7578</b> Date of Order: December 1, 2023	The fact that the accused person has been in judicial custody for around 4 years for an offence for which maximum prescribed punishment is 7 years (aggravated sexual assault u/s 10 POCSO Act, 2012) and the fact that all material public witnesses have been examined were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 323/341/354/506/34 IPC and 10 POCSO Act.	7 and 8
22	<b>Sonu v. State, 2023 SCC OnLine Del 7053</b> Date of Order: November 1, 2023	The fact that the statements and testimonies on record suggested prima facie evidence of consensual relationship between the child victim and the accused person, multiple FIRs being filed and the child victim's statements being contradictory with respect to each of them, absence of criminal antecedents and no misuse of the liberty while the accused person was on interim bail, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376/323/506 IPC and 6 POCSO Act.	22-23, 25-28
23	<b>Varun Arya v. State of NCT of Delhi, 2023 SCC OnLine Del 4852</b> Date of Order: August 14, 2023	The fact that there was a possibility of a false case due to the pre-existing and ongoing matrimonial dispute between the accused person (father) and mother of the child victim, cross FIRs/complaints filed from both sides, delay in filing the FIR and the dependency of the accused person's family on him, possibility of tutoring of the child victim by her mother considering that the child victim has been in custody of her mother for 4 years, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376/506 IPC and 6 POCSO Act.	25-31

No.	Case	Grounds	Paras
24	<b>Sanjay Kumar v. State Govt. of NCT of Delhi and Another, 2023 SCC OnLine Del 4487</b> Date of Order: July 28, 2023	The fact that there was prima facie evidence of a consensual romantic relationship between the child victim and the accused person, statement of the child victim u/s 164 of CrPC wherein she stated that she was pressured into registering the FIR and whatever happened to her was as per her own will and she wishes to marry the accused person, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376(2)(n) IPC and 6 POCSO Act.	10-19
25	<b>G. Arun v. State NCT of Delhi, 2023 SCC OnLine Del 4203</b> Date of Order: July 18, 2023	The fact that the accused person had not been named in the FIR (although the child victim had stated that the offence was committed by two men and she had named one of them in the FIR), nature of allegations (case of sexual assault u/s 8 POCSO Act), and the period already spent by the accused person in custody were the grounds considered while <b>granting</b> bail to the accused person. The FIR was registered u/s 323/354 IPC and 8 POCSO Act.	10-12
26	<b>Vicky v. State, 2023 SCC OnLine Del 3367</b> Date of Order: June 1, 2023	The fact that the testimony of all the material witnesses was completed, that child victim accompanied the accused person voluntarily, contradiction in the two General Diary entries recorded by the mother from saying that jabardasti has been committed against the child victim to saying no offence has taken place, the young age of the accused (24 years) coupled with the two year period of custody already undergone, and the absence of criminal antecedents of the accused person were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376/506 IPC and 6 POCSO Act.	28 and 29
27	<b>Kuldeep Kumar v. State (NCT of Delhi), 2023 SCC OnLine Del 3588</b> Date of Order: May 30, 2023	The fact that the accused person's name was not present in the statement of the child victim made u/s 164 CrPC and the fact that the DNA of the accused person did not match that of the foetus were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376 IPC and 4/6 POCSO Act.	3-6
28	<b>Bharat, Through its Perokar Pappu v. State (Govt. of NCT of Delhi) Though its Chief Public Prosecutor, 2022 SCC OnLine Del 3504</b> Date of Order: October 19, 2022	The fact that there was <i>prima facie</i> evidence of a consensual relationship between the child victim and the accused person, and the possibility of the trial taking a considerable amount of time to conclude were the grounds considered while <b>granting</b> regular bail to the accused person. The accused person who was 19 years at the time of the alleged offence was the uncle of the child victim. The FIR was registered u/s 363/366/376/323/384 IPC and 6 POCSO Act.	5

No.	Case	Grounds	Paras
29	<b>Hanzla Iqbal v. State and Another, 2022 SCC OnLine Del 2598</b> Date of Order: August 24, 2022	The fact that there were discrepancies regarding the date of birth of the child victim in different documents, delay in filing the FIR without any satisfactory explanation, victim's allegation that she was blackmailed by the accused person on the pretext of the video failing to inspire the confidence of the court, and prima facie evidence of the case being a honey trapping case were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376/34 IPC and 6 POCSO Act.	27, 31, 39, 40
30	<b>Mohit v State (Govt. of Nct of Delhi) and Azad v. State Gnc of Delhi, 2022 SCC OnLine Del 1313</b> Date of Order: May 5, 2022	The fact that the DNA of the accused person (there were 3 accused) was dissimilar to that of the foetus, admission of the prosecution during cross-examination that calls were made by child victim's mother to the mother of the co-accused asking for certain amount of money, delay in filing the FIR and discrepancies in the statement of the child victim during her cross-examination were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 366A/370(4)/372/376D/34/506/109 IPC and 4/6/17 POCSO.	8 and 9
31	<b>Praduman v. State (Govt. of NCT of Delhi) and Another, 2021 SCC OnLine Del 4620</b> Date of Order: October 5, 2021	The fact that the child victim stated that she has no objection to the grant of bail, discrepancies in the statement made before the doctor in MLC, FIR and the 164 statement, the statement of the child victim before the trial court that she doesn't want to pursue the case and does not want her friend (the accused person) to suffer in jail, the pre-existing consensual relationship between the parties, the young age of the accused (21 years) and period of custody undergone were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376/313/328/506 IPC and 6 POCSO Act.	26-29
32	<b>Dharmendra Bhati v. State, 2021 SCC OnLine Del 3881</b> Date of Order: August 2, 2021	The fact that there was a delay of 1.5 months in registration of the FIR, improvements made by the complainants (the child victim and her husband) in their subsequent statements, the 18 months of custody already undergone by the accused person, and the fact that due to the pandemic the trial may take long to complete were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 323/354B/452/506/509/34 IPC and 12 POCSO Act.	6-9

No.	Case	Grounds	Paras
33	<b>Dharmander Singh v. State (NCT of Delhi), 2020 SCC OnLine Del 1267</b> Date of Order: September 22, 2020	The fact that there were discrepancies in the child victim's statements, her refusal to be medically examined, the delay in filing the FIR, and the extended period of the accused person's custody were the grounds considered while granting regular bail to the accused person. The Court opined that S. 29 POCSO Act, which creates a presumption of guilt, does not apply to bail applications before charges are framed. However, once charges are framed, S. 29 raises the bar for <b>granting</b> bail. The FIR was registered u/s 323/343/363/366A/376/506 IPC and 6/21 POCSO Act.	68-78, 82-83
34	<b>Sanjay Mahalwal v. State (NCT of Delhi), 2020 SCC OnLine Del 4</b> Date of Order: January 8, 2020	The fact that the accused person has been in custody for more than 4 years, that he did not violate his liberty during any of the 12 interim bails granted to him, the child victim's denial of the allegations of rape and kidnapping in her 164 CrPC statement and examination-in-chief, and child victim's deposition that she was threatened by the police officials to depose against the accused person, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/376D/34 IPC and 6 POCSO Act.	14, 16, 17, 19

## Regular Bail – Rejected

No.	Case	Grounds	Paras
35	<b>Nooren Ali v. State (NCT of Delhi), 2025 SCC OnLine Del 2150</b> Date of Order: March 20, 2025	The fact that the child victim had made serious allegations of repeated sexual assault against the accused person who is her father, threats by the accused person to prevent the child victim from disclosing the incident to her mother, the apprehension that the accused person might influence the child victim and other material witnesses, and the possibility of the accused person absconding were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 376/328/509 IPC and 4/6 POCSO Act.	7-9, 12-14
36	<b>Shiv Kumar v. State (NCT) of Delhi, 2025 SCC OnLine Del 295</b> Date of Order: January 17, 2025	The fact that the child victims had suffered brutal sexual assault at the hands of the accused person, resulting in the death of one of the child victims, that their testimonies were corroborated by medical evidence, and that the call detail records and location data of the accused person confirmed his presence at the scene of the crime were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 363 IPC and post the investigation the chargesheet was filed u/s 328/342/363/377/376AB and 4/6 POCSO Act.	11-17

No.	Case	Grounds	Paras
37	<b>Subhan Ali v. State (NCT of Delhi), 2025 SCC OnLine Del 297</b> Date of Order: January 15, 2025	The fact that the child victim was sexually assaulted by a person in the position of trust (the accused person was her neighbour whom she referred to as chacha), the implication of the incident for society at large, and that the other public witnesses in the case were yet to be examined were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 75/76 BNS and 10/12 POCSO Act.	9-11
38	<b>Dayanand v. State (NCT of Delhi), 2024 SCC OnLine Del 6024</b> Date of Order: August 28, 2024	The fact that the child victim was of tender age (5 years old) at the time of the alleged offence, her testimony being corroborated by medical evidence, FSL reports regarding the articles/samples collected from the crime scene, the 25-year age gap between the accused person and the child victim, and the fact that both the child victim and the accused person resided in the same neighbourhood - providing the accused person with an easy access to the child victim and her family, were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 323/376 IPC and 6 POCSO Act.	15, 22, 24, 25, 27, 28
39	<b>Sabib v. State (NCT of Delhi), 2024 SCC OnLine Del 6262</b> Date of Order: August 28, 2024	The fact that the accused person was the father of the child victim, the consistent statements in the testimony by the child victim, the grave and heinous nature of the alleged offence (penetrative sexual assault), were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 376/366 IPC and 6 POCSO Act.	10-15
40	<b>Abhishek Khan v. State (NCT of Delhi), 2024 SCC OnLine Del 5476</b> Date of Order: August 5, 2024	The fact that the presumption of guilt u/s 29 POCSO Act was triggered as the allegation was made u/s 3 POCSO Act (penetrative sexual assault), and the possibility of the accused person absconding if released, were the grounds considered while <b>rejecting</b> regular bail to the accused person. The Court observed that given the nature of the offence and the presumption of guilt u/s 29 POCSO Act, even though the testimony of the child victim was completed, it would not entitle the accused person to bail automatically. Initially registered u/s 363 IPC, the FIR was later converted u/s 363/366A/376(2)(n) IPC and 6 POCSO Act.	15, 16, 17
41	<b>Patiram v. State of NCT &amp; Anr., 2024 SCC OnLine Del 714</b> Date of Order: January 31, 2024	The fact that there were severe allegations of penetrative sexual assault against the child victim of 6 years, the child victim's testimony supporting the prosecution's case and the possibility of the accused person absconding as the trial was towards its end, were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 366A/376 IPC and 6 POCSO Act.	10-12

No.	Case	Grounds	Paras
42	<b>Ravi v. State (Govt. of NCT of Delhi) and Another, 2024 SCC OnLine Del 106</b> Date of Order: January 10, 2024	The fact that the offence committed against the child victim was of grave nature (penetrative sexual assault), the arrest of the accused person at the instance of the child victim and identification of the truck where the offence was alleged to have been committed, alongside the fact that the child victim had withstood the test of cross examination were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 376/506/384/34 IPC and 4/6 POCSO Act.	11-13
43	<b>Gyanendra Kumar v. State, 2023 SCC OnLine Del 6725</b> Date of Order: October 19, 2023	The fact that the accused person held a dominating position over the child victim as her teacher, allegations of continuing sexual assault on false pretext of marriage evidenced by two Medical Termination of Pregnancies (MTPs), and the possibility of influencing the child victim were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 376/313/323 IPC and 6 POCSO Act.	6-8
44	<b>Rahul v. State of NCT of Delhi, 2023 SCC OnLine Del 5453</b> Date of Order: September 4, 2023	The fact that parents of the child victim were threatened with dire consequences, pending testimony of her parents, young age of the victim coupled with serious and specific allegations of sexual assault and sexual harassment were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 354/354A/509/341 IPC and 8/12 POCSO Act.	8
45	<b>Shashim Das v. State of NCT of Delhi and Another, 2023 SCC OnLine Del 4299</b> Date of Order: July 25, 2023	The fact that the medical report prima facie corroborated the prosecution's case, absence of a plausible reason for false implication, accused person's alleged attempt to tamper with the evidence of the child victim by recording her conversation with his daughter (who was child victim's friend) prior to child victim's deposition in court, tender age of the victim (6 years), operation of 'presumption of guilt' u/s 29 POCSO Act considering that it was a case of aggravated penetrative sexual assault u/s 6 POCSO Act, were considered grounds for <b>rejecting</b> regular bail. As per the complaint of the mother, the child victim had passed blood in her urine after the commission of the alleged offence. The FIR was registered u/s 376 IPC and 6 POCSO Act.	16-18

No.	Case	Grounds	Paras
46	<b>Babu Lal Bhawariya v. State of NCT of Delhi, 2023 SCC OnLine Del 3629</b> Date of Order: June 19, 2023	The fact that the case involved allegations of repeated penetrative sexual assault committed by the accused person who was teacher of the child victim, the societal standing of the accused person vis a vis the child victim, the possibility of him influencing witnesses and absconding, corroboration of child victim's statement by forensic evidence and CCTV footage, and the pendency of framing of charges and recording of statements were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 376 IPC and 6 POCSO Act.	22 - 24
47	<b>Sakib Ahmed v. State NCT of Delhi, 2023 SCC OnLine Del 2769</b> Date of Order: May 11, 2023	The fact that there was a history of abuse inflicted by the accused person on the child victim and the continuous threats and blackmailing received by the child victim at the hands of the accused person, use of sexualised photos and videos as a tool to threaten, socially shame, defame and coerce child victim into sexual relationship, and the pendency of child victim's testimony were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 328/376/506 IPC and 6 POCSO Act.	16-19, 20, 21
48	<b>Rohit Srivastava v. State of NCT of Delhi and Another, 2023 SCC OnLine Del 287</b> Date of Order: January 24, 2023	The fact that the child victim's testimony was consistent and it withstood the test of cross-examination, and the operation of 'presumption of guilt' u/s 29 POCSO Act since it was a case of aggravated penetrative sexual assault u/s 6 POCSO Act were the grounds considered while <b>rejecting</b> regular bail of the accused person. The Court further noted that since the child victim was 8 years old, minor inconsistencies will not materially affect her testimony. The FIR was registered u/s 376/377/328/506 IPC and 6 POCSO Act.	13-16
49	<b>Pankaj Saini v. State NCT of Delhi and Another, 2022 SCC OnLine Del 3949</b> Date of Order: November 4, 2022	The fact that the child victim supported her previous statement recorded u/s 164 CrPC while deposing before the court, that minor discrepancies at this stage would be immaterial, that in view of the age of the child victim and accused person the defence that the accused was he was forced or lured by the victim to elope cannot be considered, and that prima facie a strong case existed against the accused were the grounds considered while <b>rejecting</b> the bail application of the accused person. The accused was 29 years old and the child victim was 17.5 years at the time of registration of offence. The accused was a married man and had a child. The FIR was registered u/s 376/363/365 IPC and 6 POCSO Act in 2019 and as per the statement of the child first incident of sexual assault had taken place in 2013.	9

No.	Case	Grounds	Paras
50	<b>Jagbir v. State (N.C.T. of Delhi), 2022 SCC OnLine Del 2159</b> Date of Order: July 22, 2022	The fact that the accused person lured a child into a physical relationship, and the age of the child victim (under 15 years) were considered while <b>rejecting</b> regular bail of the accused person. The Court held that the minor girl's infatuation cannot be permitted as a valid defence as it would tantamount to undermining the legislative intent u/s 361 of the IPC (kidnapping from lawful guardianship). The FIR was registered u/s 376/363/366 IPC and 4/6 POCSO Act.	20 - 25
51	<b>Luxmikant v. State (Govt. of NCT of Delhi), 2021 SCC OnLine Del 5329</b> Date of Order: December 8, 2021	The fact that the allegations levelled against the accused person were grave in nature (including kidnapping, compelling for marriage, and gang rape), specifically the fact that his mobile phone contained obscene videos and photos of the child victim with which he threatened her and had also transmitted the said videos to her brother bringing him prima facie within the domain of S. 67 of the Information Technology Act, 2020 (IT Act) were the grounds considered by the Court for <b>rejecting</b> the regular bail application of the accused person. The FIR was registered u/s 323/363/366/376D/199 IPC, 12 POCSO Act and 67 IT Act, 2020.	18-24
52	<b>Kuldeep v. State (NCT of Delhi), 2021 SCC OnLine Del 4218</b> Date of Order: August 31, 2021	The fact that it could be reasonably presumed that the accused person was fully aware that the child victim was being commercially sexually exploited by his wife (co-accused), the heinous nature of the offence, the possibility of the accused person influencing the witnesses, and the fact that the proceedings are at a nascent stage and charges have yet not been framed were the grounds considered while <b>rejecting</b> regular bail. The FIR was registered u/s 366A/372/376/120B/506/34 IPC and 6 POCSO Act.	10-13
53	<b>Subhash v. State, 2021 SCC OnLine Del 350</b> Date of Order: January 18, 2021	The fact that there was no change in the circumstances since the date when the last application for bail had been rejected by the Additional Sessions Judge, severe allegation of penetrative sexual assault, accused person resided in the same building as the victim, and the possibility of tampering with the evidence, were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 376/342/354D IPC and 4 POCSO Act.	7-10
54	<b>Prem Prakash v. State, 2020 SCC OnLine Del 35</b> Date of Order: January 10, 2020	The fact that prima facie the evidence does not indicate the possibility of false implication, that the accused was arrested over a year after the registration of FIR and only after the proceeding u/s 82 CrPC was initiated, were the grounds considered while <b>rejecting</b> bail. The FIR was registered u/s 376/34 IPC, 6 POCSO Act and 4/5/6 Immoral traffic prevention Act, 1956.	12-14

## Interim Bail - Granted

No.	Case	Grounds	Paras
55	<b>Babulal Bawaria in JC Through Awnish Maithani Pairokar v. State of NCT of Delhi, 2023 SCC OnLine Del 6681</b> Date of Order: October 9, 2023	The fact that the accused person's brother had passed away and he was the only person in the family who could perform the last rites/rituals were the grounds considered while <b>granting</b> interim bail of 8 days to the accused person. The FIR was registered u/s 376 IPC and 6 POCSO Act.	5 and 6
56	<b>Vikramjeet Singh v. State (NCT of Delhi) and Others, 2023 SCC OnLine Del 895</b> Date of Order: February 7, 2023	The fact that there was marriage of a close family member and that previously the accused person had been granted interim bail twice which he had not misused were the grounds considered while <b>granting</b> interim bail to the accused person. The FIR was registered u/s 323/376 IPC and 6 POCSO Act.	5
57	<b>Neha v. State (N.C.T of Delhi), 2020 SCC OnLine Del 1834</b> Date of Order: December 21, 2020	The fact that the accused person was taken into custody soon after delivering a baby, that she is a single mother and the baby has been in jail with her for over 3 years, and that the baby was suffering from abdominal pain and being diagnosed with anal pruritus for which oral medicines had been prescribed were the grounds considered while <b>granting</b> interim bail of 6 weeks to the accused person. The FIR was registered u/s 342/363/366A/368/370/370A/372/34/109 IPC, 3/5/7 Immoral Traffic Prevention Act, and 17 POCSO Act.	13

## Regular Bail – Rejected

No.	Case	Grounds	Paras
58	<b>Varun Wishwas v. State NCT of Delhi and Another, 2024 SCC OnLine Del 490</b> Date of Order: January 12, 2024	The fact that adequate medical treatment was provided to the accused by the jail authorities and he was repeatedly taken for appropriate treatment to hospitals as per jail referral policy was the ground considered while <b>rejecting</b> interim bail to the accused person. The Court also opined that the medical needs of the accused person must be balanced with the rights of the child victim (14 years), whose testimony is yet to be recorded in the present case involving serious allegations of penetrative sexual assault. The FIR was registered u/s 376/506 IPC and 6 POCSO Act.	7-12
59	<b>Miss G. v. State (NCT of Delhi), 2020 SCC OnLine Del 629</b> Date of Order: June 5, 2020	The fact that notice was not issued to the child victim before hearing of the interim bail application was the ground considered while <b>rejecting</b> the interim bail of the accused person. The Court observed that non-compliance of Practice Directions (issuance of notice to child victim before hearing a bail petition) issued on 24th September 2019 by Division Bench of the Delhi High Court is not merely a procedural lapse but contrary to the legislative mandate and the settled law.	23-24

## Default Bail

No.	Case	Grounds	Paras
60	<b>Manish Prasad v. State Govt. of NCT of Delhi (Bail Appln. 3604/2021), 2023 SCC OnLine Del 1766</b> Date of Order: March 27, 2023	The accused person had filed a criminal miscellaneous petition seeking to set aside the trial court order whereby his default bail was rejected. He had also filed a bail application seeking regular bail from the High Court. The fact that the main chargesheet was filed within the prescribed limit of 60 days was the ground considered by the High Court while refusing to interfere with the order of the trial court rejecting the default bail of the accused person. Regarding the bail application of the accused person, the fact that the mother of the child victim was constantly in touch with the child victim yet the child never mentioned the abuse to her, along with the delay in reporting the offence and the period of custody undergone were the grounds considered while <b>granting</b> regular bail to the accused person.	12

No.	Case	Grounds	Paras
61	<b>Suraj v. State of Delhi NCT, 2022 SCC OnLine Del 3501</b> Date of Order: March 15, 2022	The fact that the chargesheet had been filed well within the time period stipulated u/s 167(2) of CrPC was the ground considered while <b>rejecting</b> default bail of the accused person. The FIR was registered u/s 377/34 IPC and 6 POCSO Act.	9-14
62	<b>Kavita v. State of NCT of Delhi, 2021 SCC OnLine Del 5658</b> Date of Order: September 15, 2021	The fact that the prayer for default bail was neither made through a written application u/s 167 CrPC after the completion of stipulated time, nor orally through the bail application made u/s 439 CrPC immediately after the filing of the chargesheet, was the ground considered while <b>rejecting</b> the default bail of the accused person. The FIR was registered u/s 365 IPC. After the investigation chargesheet was filed u/s 363/366A/368/370/372/373/342/376D/34 IPC, 4/10 POCSO Act and 3/4 Immoral Traffic Prevention Act.	12, 13 and 19

## Cancellation of Bail - Cancelled

No.	Case	Grounds	Paras
63	<b>Kaushalendra Pratap Singh v. State (NCT of Delhi), 2024 SCC OnLine Del 5272</b> Date of Order: August 2, 2024	The fact that there were prima facie and reasonable grounds to believe that the accused person had committed the heinous offence of penetrative sexual assault upon a minor girl and that the trial Court had erred in granting bail to the accused person by disregarding the basic factors that needs to be taken into account while granting bail, were the grounds considered by the High Court in cancelling the bail of the accused person. The Court while cancelling the bail relied upon the principles laid down by the Apex Court in Gobarbhai Naranbhai Singala v. State of Gujarat {(2008) 3 SCC 775} & Centrum Financial Services Limited v. State of NCT of Delhi {(2022) 13 SCC 286} where the Apex Court held that although courts usually do not interfere in cases where bail has been granted but courts will be justified in interfering and cancelling the bail where it has been granted mechanically and without appreciation of facts in a heinous offence. The FIR was registered u/s 376 IPC and 6 POCSO Act.	25, 26, 27

## Cancellation of Bail - Not Cancelled

No.	Case	Grounds	Paras
64	<b>Nidhi Puri v. State and Another, 2020 SCC OnLine Del 2357</b> Date of Order: January 28, 2020	The fact that there was a significant delay in filing the FIR, that MLC noted only attempted finger penetration with intact hymen, absence of scientific evidence, contradictions between the FIR and child victim's statement u/s 164 CrPC, child victim's mother's non-cooperation and refusal to let the child victim join the investigation, mother's application for sole custody after registration of the case, lack of any material suggesting the accused person/father would abscond, and mother's conduct in continuing to send the child victim to the accused person despite alleging prior abuse by were the grounds considered while not <b>cancelling</b> the bail of the accused person. The FIR was registered u/s 376 IPC and 6 POCSO Act.	17, 24, 25, 26

## Other Relevant Cases

No.	Case	Grounds	Paras
65	<b>Reena Jha v. Union of India, 2020 SCC OnLine Del 1389</b> Date of Order: January 27, 2020	The Court directed that the amendment to S. 439 CrPC and the provisions of Practice Directions dated 24.09.2019 which order the issuance of notice to the victim in cases of aggravated sexual offences shall also apply to offences under the POCSO Act. In other words, the presence of the victim/complainant/informant or his/her representative was held to be obligatory when bail applications of the abuser in a POCSO case are heard. The Court also directed that in relation to offences under the POCSO Act where the crime has been perpetrated by a close family member, the notice should be issued to the concerned Child Welfare Committee and a copy of such notice/information be also sent to Delhi State Legal Services Authority (DSLISA).	3-6
66	<b>Babu Lal v. State of NCT of Delhi CRL.A. 198/2020</b> Date of Order: January 11, 2023	Based on the recommendations made by multiple stakeholders, the Court passed directions to ensure that a child victim is not re-traumatised as a result of being present in court. These directions included allowing the victim to be produced virtually, and allowing the victim to give written authorisation to her counsel/parent/ guardian/support person to appear and make submissions on her behalf. The Court also addressed the manner in which notice of bail application should be served to the child victim, and the questions to be asked to a child victim to ascertain the apprehensions of the victim if the accused is released on bail.	3

# Relevant Case Laws

## Allahabad High Court

### Anticipatory Bail

No.	Case	Grounds	Paras
1	<b>Dheerendra Saroj &amp; Anr. v. State of U.P., 2024 SCC OnLine All 1752</b> Date of Order: May 23, 2024	The fact that the statements of the child victim u/s 161 and 164 CrPC only stated the act of holding the child victim's hand, the lack of any medical report to corroborate the statement of victim u/s 164 pertaining to any injury sustained by her, the lack of any criminal antecedents of the accused persons and that the chargesheet has been filed without arresting the accused persons, were the grounds considered while <b>granting</b> anticipatory bail to the accused persons. The FIR was registered u/s 354A/504/506/34 IPC and 9/10 POCSO Act.	8
2	<b>Sunil Kumar v. State of U.P. and Ors.</b> 2023/AHC/171509 Date of Order: August 24, 2023	The fact that child victim in her statement u/s 164 CrPC stated that the family of the parties are on inimical terms and litigation is pending between both the families, her further statement that a criminal case was lodged by the accused person against her family and subsequently on legal advice the concerning FIR was filed, that the chargesheet has been filed without arresting the accused person, low probability of the accused person absconding, the fact that accused person had cooperated with the investigation were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 354A/504/506/376D IPC and 5/6 POCSO Act.	3-9
3	<b>Ajay Yadav v. State of U.P and Ors</b> 2023 SCC OnLine All 601 Date of Order: August 10, 2023	The fact that there were material contradictions in the statement of the child victim u/s 161 and 164 CrPC regarding the year when the offence was alleged to have been committed, that the FIR was filed after a delay of more than 6 years, absence of previous criminal history of the accused person were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 376/313/504/506 IPC and 3/4 POCSO Act.	5, 6

## Regular Bail - Granted

No.	Case	Grounds	Paras
4	<b>Yasar v. State of U.P., 2025 SCC OnLine All 1351</b> Date of Order: March 4, 2025	The fact that there was a delay of 22 days in lodging the FIR, the possibility that the allegations are false and filed in retaliation to the complaint filed by the accused person's father against the relative of child victim's father, absence of any evidence suggesting that the accused person was likely to abscond or obstruct the course of justice were the grounds considered while <b>granting</b> regular bail to the accused person. As per the prosecution, it was alleged that the accused person outraged the modesty of the child victim and passed indecent marks while she was returning from her school. The FIR was registered u/s 74/351(2)/65(2) BNS and 5/6/9/10 POCSO Act.	20, 21
5	<b>Srikant Nishad v. State of U.P., 2025 SCC OnLine All 1136</b> Date of Order: March 5, 2025	The fact that the child victim had attained marriageable age when she got married to the accused person, that said marriage took place before the accused person was arrested in criminal case u/s 3/4 POCSO Act, that the mother of the child victim and the father of the accused person were present in court and both stated that the marriage took place in the presence of close family members, and the undertaking provided by the accused person that he shall cooperate with the investigation/trial, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376/323/504/506 IPC and 3/4 POCSO Act.	7
6	<b>Amiruddin v. State of U.P., 2024 SCC OnLine All 6706</b> Date of Order: November 11, 2024	The fact that the child victim and the accused person are happily married, living together and have an infant child, that the child victim has stated that she has no grievances against the accused person, that as per the report of the medical board the mean age of the child victim was 17.83 years, were considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376 IPC and 5/6 POCSO Act.	5, 8
7	<b>Prakash Kumar Gupta v. State of UP and Ors. Cr. Misc. Bail App No: 19345 of 2024</b> Date of Order: August 29, 2024	The fact that the child victim's age was misrepresented to be 13 years while the bone ossification estimated the child victim's age to be 19 years leading to the accused person being incarcerated for more than 6 months, and that there was a consensual relationship between the accused person and the child victim, were the factors considered by the Court while <b>granting</b> bail to the accused person. The FIR was registered u/s 376 IPC and 5/6 POCSO Act.	12-25

No.	Case	Grounds	Paras
8	<p><b>Shyam Lal Agrahari v. State of UP &amp; Ors. Cr. Misc. Bail App No: 19734 of 2024</b> Date of Order: August 5, 2024</p>	<p>The fact that there was a delay in filing of the FIR, absence of any exceptional circumstances arising from his criminal antecedents, lack of evidence to show that the accused person will try to abscond or will not appear for the trial or that he is creating any trouble by intimidating anyone or a possibility of repeating the offence, the right of the accused person under Art. 21 of the Constitution of India, and the weakness of the evidence provided regarding the complicity of the accused person, were the grounds considered while <b>granting</b> bail to the accused person. The Court observed that although the accused person has a criminal history of 2 cases (in one case a closure report has been filed and in another FIR has been instituted after the instant case), the state has not adduced any evidence that the accused will try to tamper or otherwise influence the investigation or intimidate witnesses. The Court held that since the state has not placed any material that the accused has in the past attempted to evade the process of law, mere criminal history cannot be a ground to reject the bail. The FIR was registered u/s 376/504/506 IPC, 3(2)(v)/3(2)(va)/3(1) SC/ST Prevention of Atrocities Act and 5/6 POCSO Act.</p>	19
9	<p><b>Satyaprakash v. State of U.P. and Ors. 2025 SCC OnLine All 1101</b> Date of Order: February 28, 2025</p>	<p>The fact that there was an absence of medical corroboration of the incident, that the FIR did not mention the allegations of rape against the accused person, and the delay in filing of the FIR by two days were the grounds considered by the Court while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 137(2)/87/64(1) BNS and 3/4POCSO Act.</p>	21
10	<p><b>Achyutanand Pandey v. State of U.P. and Ors.Cr. Misc. Bail App No: 927 of 2025</b> Date of Order: February 18, 2025</p>	<p>The fact that there was unexplained delay in lodging the FIR, the medical evidence not supporting the allegations of rape, lack of any circumstances or evidence necessitating custodial arrest of accused person during pendency of trial and that the co-accused had been granted bail were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/376D/506/323 IPC, 3/4 POCSO Act, 66/67 Information Technology Act, 2000 and 3(2)(v) SC/ST Prevention of Atrocities Act.</p>	5, 8

No.	Case	Grounds	Paras
11	<b>Kishan v. State of U.P. and Ors. 2024 SCC OnLine All 876</b> Date of Order: March 13, 2024	The fact that the child victim's deposition did not support the FIR registered by her mother, lack of evidence or circumstance brought by the prosecution to show that the accused will hamper the course of trial or tamper the witness considering that child victim had already not supported the case of prosecution, the fact that the chargesheet had already been submitted and entire evidence sought to be relied upon stands crystallised, and lack of criminal antecedents of the accused person, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/366/376(3) IPC and 3/4 POCSO Act. The child victim had not supported the FIR in her statement u/s 161 and 164 CrPC as well.	10
12	<b>Farzan v. State of U.P. and Ors. 2024/AHC/41645</b> Date of Order: March 7, 2024	The fact that there were material contradictions in child victim's age as recorded in various prosecution documents, that the accused person was not named as a principal offender who committed rape upon the child victim, major inconsistencies in the FIR, statements of child victim u/s 161 and 164 CrPC, and the statement of first informant u/s 161 CrPC, cooperation of the accused person with the police investigation and his regular appearance at the trial, and no evidence of witness or evidence tampering by the accused were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376D IPC, 5/6POCSO Act and 3(2)(v) SC/ST Prevention of Atrocities Act.	4
13	<b>Chandan v. State of U.P. and Ors. 2024/AHC/27054</b> Date of Order: February 16, 2024	The fact that the mother of the child victim/informant was known to have a tendency of falsely implicating innocent persons and her bona fides were in doubt, that the medical report of the victim revealed no bleeding, edema, or tenderness on her private parts, that the chargesheet had been filed and there was no likelihood of tampering with witnesses, and that other relevant factors such as the uncertainty regarding the conclusion of trial, one-sided police investigation ignoring the defence of the accused, violation of right to have a speedy trial under Article 21 of Indian Constitution and concerns regarding overcrowding in jails were the grounds considered while <b>granting</b> regular bail to the accused person in a case registered for gang rape and offences u/s 5 and 6 POCSO Act. The FIR was registered u/s 363/366/368/506/120B/376(3)/201/34/376D IPC and 5/6/16/17/19/21 POCSO Act.	7, 8 & 9

No.	Case	Grounds	Paras
14	<b>Ashuthosh Maurya v. State of U.P. and Ors.</b> 2024/AHC/20323 Date of Order: February 6, 2024	The fact that the testimony of the child victim and her father (complainant) did not support the contents of the FIR, and since the evidence of the complainant and child victim had already been completed there was no further scope for tampering with or influencing their evidence during the course of trial, were the grounds considered while <b>granting</b> regular bail to the accused person in a case involving offences u/s 3 and 4 POCSO Act. The FIR was registered u/s 363/366/376D IPC, 3/4POCSO Act and 3(2)(v) SC/ST Prevention of Atrocities Act.	9
15	<b>Jakir Khan v. State of U.P. and Ors.</b> 2024/AHC/5880 Date of Order: January 11, 2024	The fact that the child victim in her statement u/s 161 CrPC had admitted that she was in a consensual and intimate relationship with the accused person, lack of medical evidence to corroborate the alleged offence of penetrative sexual assault, high probability of false and aggravated allegations made by the child victim at the behest of her family, the fact that the child victim accompanied the accused person to various public places without raising an alarm and her conduct showing that she was a consenting party, and absence of criminal antecedents of the accused were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/366/376 IPC and 3/4POCSO Act.	4
16	<b>Boby v. State of U.P. and Ors.</b> 2024/AHC/3254 Date of Order: January 8, 2024	The fact that there was prima facie evidence that the child victim was in a consensual relationship with the accused, uncertainty regarding the conclusion of the trial, evidence of a one-sided investigation, accused person's right to a speedy trial, and overcrowding of jails by the under-trials, were the grounds considered while <b>granting</b> regular bail to the accused person. The child victim had made allegations that her photos and videos were made viral on the social media by the accused but no such material was found in investigation and all 3 photos submitted by the child victim had stickers pasted on the face of the victim making it difficult to recognize the person. Hence, convincing evidence in favour of the accused person also played a role in grant of bail. The FIR was registered u/s 376/506 IPC , 67 IT Act and 3/4POCSO Act.	7-10

No.	Case	Grounds	Paras
17	<b>Vijay Kumar Pandey v. State of U.P. and Ors.2023/AHC/2343 31</b> Date of Order: December 11, 2023	The fact that statement of the child victim u/s 161 CrPC did not support the FIR registered by her father (for kidnapping), that in the said statement she admitted being a willing and consenting party and that she herself accompanied the accused person to Delhi, child victim's reiteration of her statement u/s 161 and 164 CrPC and subsequent departure from it, and the lack of any evidence necessitating the custodial arrest of the accused person during pendency of the trial were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/366/376/328 IPC and 5/6 POCSO Act.	8 -14
18	<b>Siddhant @ Aashu v. State Of U.P. and 3 Others 2023 SCC OnLine All 843</b> Date of Order: September 13, 2023	The fact that the child victim and her father did not support the case of the prosecution during their testimonies and were declared hostile during the trial, absence of criminal antecedents, slow pace at which the trial was moving and the lack of any credible evidence implicating the accused person were grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/366/376D IPC and 6 POCSO Act.	52-59, 63 and 64
19	<b>Ajay Diwakar and Ors. v. State of U.P. and Ors. 2023 SCC OnLine All 5412</b> Date of Order: May 3, 2023	The fact that the child victim denied any act of physical relationship with the accused in her statement recorded u/s 164 CrPC and a further in her statement u/s 161 CrPC, child victim's statement that she continued to reside with the accused person as his wife, that her father had no objection to the marriage, and her age being 19 years as per age determination by bone ossification were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/376 IPC and 3/4POCSO Act.	8, 23 25-29
20	<b>Atul Mishra v. State of U.P. and Ors. 2022 SCC OnLine All 420</b> Date of Order: January 25, 2022	The fact that the child victim in her statement u/s 161 and 164 CrPC admitted that she was in a consensual relationship with the accused person and that they had been living as husband and wife for last 2 years, that the child victim gave birth to a baby with the accused person, her refusal to go with her parents in her statement u/s 164 of CrPC, that keeping the accused person in jail would be extremely harsh and inhumane and will deprive a child from parental love and affection were grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/366/376 IPC, 3(2)(v)/3(2)(va) SC/ST Prevention of Atrocities Act and 3 /4 POCSO Act.	17-21

No.	Case	Grounds	Paras
21	<b>Aman v. State of U.P 2024 SCC OnLine All 1126</b> Date of Order: April 16, 2024	The fact that there was misrepresentation of the age of the child victim in the FIR to falsely implicate the accused person under POCSO Act, material contradictions in her age as recorded in various prosecution documents, delay of 4 days in registration of the FIR, admission of intimacy and a consensual relationship by the child victim in her 161 and 164 CrPC statement, assertion by the child victim that she eloped with the accused on her own volition and got married, absence of any allegation of rape in FIR, statements u/s 161 or 164 CrPC of the child victim, were grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/376 IPC and 3/4 POCSO Act.	5, 22

## Regular Bail – Rejected

No.	Case	Grounds	Paras
22	<b>Rajendra Prasad v. State of U.P. and Ors. 2024 SCC OnLine All 6768</b> Date of Decision: October 4, 2024	The fact that the child victim (14 years) has identified the accused person (her father) as the principal offender who trafficked her for money, the grave nature of the offence and the likelihood that the accused person had committed the offence were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 376/120B IPC and 16/17 POCSO Act.	16
23	<b>Moid Ahmad v. State of UP and Ors. 2024 SCC OnLine All 5942</b> Date of Order: October 3, 2024	The fact that the abuse of the child victim (12 years old) was video recorded, the repeated abuse on multiple occasions, the number of accused persons involved, that the abuse resulted into a pregnancy, the FSL report confirming the paternity of the fetus with the co-accused person and the fact that the same could not be considered as conclusive proof of non-involvement of the accused person in the offence, the possibility of influence as the accused person has political clout and pressure which was previously exercised for compromise for which an FIR was lodged, the possibility of the accused person influencing the trial adversely due to the social and financial difference of the accused person and the child victim, were the grounds considered while <b>rejecting</b> regular bail to the accused person. The FIR was registered u/s 376DA/506 IPC and 5/6 POCSO Act.	18

No.	Case	Grounds	Paras
24	<b>Anil Kumar v. State of UP &amp; Ors.</b> 2024 SCC OnLine All 5281 Date of Order: September 19, 2024	The fact that there was a possibility that the child victim had been influenced to provide a false statement as the child had supported the prosecution's case on first day of her testimony through her examination-in-chief and in her part cross examination, and when her remaining cross was deferred at the request of the counsel for the accused person for more than 2 months, at that point the victim resiled from her earlier version and turned hostile, was the ground considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 376/506/452 IPC and 3/4 POCSO Act.	7,10,11
25	<b>Jamna Giri v. State of UP &amp; Ors. Cr. Misc. Bail App No: 26401 of 2024</b> Date of Order: August 13, 2024	The fact that the case involved the offence of penetrative sexual assault committed against a 12 year old child victim (boy child), consistency in the statements of the child victim in FIR, 161 and 164 CrPC also containing the deposition as to how the act (of penetrative assault) was performed, and no plausible reason behind the child victim giving false statement against the accused person implying that the offence has occurred as narrated by the child victim, were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 377 IPC and 3/4 POCSO Act.	
26	<b>Karan Singh v. State of U.P. and Ors.</b> 2024/AHC/13312 Date of Order: January 29, 2024	The fact that the available evidence against the accused person was credible and strong, the serious nature of the offense committed against the child victim on a repeated basis as well as an obscene video being recorded, the reasonable explanation for the delayed filing of the FIR by the child victim as she was threatened (there was a delay of 5 years), the fact that the accused person being a married man provided a false promise to marry to the child victim, the deliberate concealment of the accused person's marriage date in the affidavit of the bail application, doctor's opinion regarding the private parts of the child victim supporting her statements were considered grounds for <b>rejecting</b> regular bail to the accused person. The FIR was registered u/s 376 IPC, 5/6 POCSO Act and 3(2)(v) SC/ST Prevention of Atrocities Act.	16
27	<b>Santosh Maurya v. State of U.P. and Ors.</b> 2023/AHC/230156 Date of Order: December 5, 2023	The fact that the case involved serious allegations of sexual assault of the child victim, taking her nude photographs and making obscene videos that were made viral, recovery of the said obscene photographs during investigation, were the grounds considered while <b>rejecting</b> regular bail to the accused person. The FIR was registered u/s 376/506/120B IPC, 5/6 POCSO Act, 3/7(1) of U.P. Prohibition of Unlawful Conversion of Religion Act 2021 and 67A IT Act 2000.	9, 11, 17

No.	Case	Grounds	Paras
28	<b>Pradum Singh c. State of U.P thru. Prin. secy. Home Lko and Ors 2024 SCC OnLine All 2127</b> Date of Order: May 31, 2024	The fact that the case involved allegations of severe and grave nature (rape and oral sex being committed on a child victim of 12 years by her neighbour), the corroborative results of the MLC, the fact that the child victim had strongly supported the case of the prosecution in her statement u/s 164 CrPC, and the fact that S. 29 POCSO Act raises the presumption of guilt of the accused as the child was below the age of 16 years and the offence is alleged u/s 5 POCSO Act, were the factors considered for <b>rejecting</b> regular bail of the accused person. The Court opined that a long period of detention in custody itself does not entitle an accused person to bail. The FIR was registered u/s 376AB/506 and 5/6 POCSO Act.	11-22
29	<b>Kamil v State of U.P CrI.Misc.Bail App.No.38196 of 2020</b> Date of Order: June 29, 2021	The fact that the child victim supported the prosecution's case and her denial of the accused person's claim of a consensual relationship and marriage were the factors considered while <b>rejecting</b> the regular bail application of the accused person. The Court refused to take cognizance of any compromise between the child victim and the accused person which was raised in the form of a statement claiming the accused person was willing to marry the child victim, stating that such facts cannot be considered at this stage of determining the bail application.	5-6
30	<b>Jasman singh @pappu yadav v State of U.P and Anr 2021 (117) ACC 495</b> Date of Order: August 17, 2021	The fact that the accused person suppressed the fact regarding his criminal history and thus did not come to court with clean hands (a previous bail rejection order mentioned that he had criminal history of 6 cases), it being a case of penetrative sexual assault committed upon a child of 13 years and opinion of the doctor who conducted medical examination that signs of sexual violence cannot be ruled out, were grounds considered while <b>rejecting</b> the bail. The FIR was registered u/s 323/376(2) (i)/452/506 IPC and 3/4POCSO Act.	7-10

## Interim Bail - Granted

No.	Case	Grounds	Paras
31	<b>Gayatri Prasad Prajapati v. State of U.P. 2020 SCC OnLine All 1252</b> Date of order: September 3, 2020	The fact that the accused person was suffering from UTI with diabetes mellitus with HTN for which an effective treatment at KGMU Lucknow was not available and doctors had advised treatment from multiple super specialities at a tertiary care super speciality hospital, and the threat to his health in prevailing times of Covid, were considered while <b>granting</b> interim bail of 2 months to the accused person. The FIR was registered u/s 376D/354A/504/506/509 IPC and 6 POCSO Act.	27

## Default Bail

No.	Case	Grounds	Paras
32	<b>Varun Tiwari v. State of U.P</b> 2021 (4) CCC 175 Date of Order: November 2, 2021	The fact that the right to default bail arising from an application moved u/s 167(2) CrPC prior to the filing of the charge sheet cannot be frustrated merely by filing the chargesheet on the same day after such application is made, and that the Trial Court is required to decide the application u/s 167(2) CrPC promptly and without undue delay, as this right flows from Article 21 of the Constitution of India were the grounds considered while <b>granting</b> default bail to the accused person. The FIR was registered u/s 342/376D/372/506 IPC and 5/6POCSO Act.	11-14

# Relevant Case Laws

## Bombay High Court

### Anticipatory Bail – Granted

No.	Case	Grounds	Paras
1	<b>Umesh Radhai Saroj v. State of Maharashtra and Another 2024 SCC OnLine Bom 2066</b> Date of Order: July 5, 2024	The case involved sexual harassment of the child victim as her mother (co-accused) made her record the sexual activities between her (the mother) and the accused person. The accused person and mother of the child victim were in an extra-marital relationship. The fact that the mother who was a co-accused was neither taken into custody, that there had been no efforts to that effect and that previously the accused person had been released on bail in connection with an FIR registered by the mother of the child victim u/s 376(2)(n)/307/506/509 IPC and there was nothing to indicate that he had violated the bail conditions, were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 11/12 POCSO Act.	5-9
2	<b>Vandana Suresh Salunkhe and Another v. State of Maharashtra 2021 SCC OnLine Bom 13683</b> Date of Order: December 3, 2021	The fact that the FIR indicated a consensual relationship between the child victim and the co-accused whom she married, and that there was nothing on record to show that the accused persons (relatives of co-accused) were involved in forcing the child victim to have relationship with the co-accused were the grounds considered while <b>granting</b> anticipatory bail to the accused persons. The case was registered at the complaint of the mother of the child victim. The FIR was registered u/s 376(2)(n)/376(2)(f)/34 IPC, 4/6/8/12 POCSO Act and 9/10/11 Child Marriage Restraint Act.	6
3	<b>Jay Bhagwan More v. State of Maharashtra and Another 2021 SCC OnLine Bom 11935</b> Date of Order: November 24, 2021	The fact that the accused person was a young student of 20 years, that he had given an undertaking, and that there was no insistence by the investigating officer or the counsel of the child victim for a custodial interrogation, were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 354/354D/506/504/166A IPC and 11/12 POCSO Act.	6
4	<b>Amit Shankar Kamble v. State of Maharashtra 2020 SCC OnLine Bom 3734</b> Date of Order: January 3, 2020	The fact that there were prima facie evidence (through FIR and otherwise) that the child victim and the accused person were in a consensual relationship and that she accompanied the accused to various places on her own volition, the fact that victim was 17.5 years at the time of registration of FIR, that accused was ready to cooperate with the investigation, and that there was no reason necessitating the custodial interrogation, were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 376 IPC and 3/4POCSO Act.	5

No.	Case	Grounds	Paras
5	<b>Fateema Murtuzahuasien Naqvi v. State of Maharashtra 2020</b> SCC OnLine Bom 3704 Date of Order: January 20, 2020	The fact that the Court prima facie found the intention behind filing the complaint u/s 8 and 12 POCSO Act by the child victim's mother may have possibly arisen out of a custody dispute over the child victim, and that custodial interrogation of the accused person (child victim's step-mother) was not required were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 323/354/506/504 IPC and 8/12 POCSO Act.	1
6	<b>Mubashshara Khan v. State of Maharashtra 2022</b> SCC OnLine Bom 11398 Date of Order: April 18, 2022	An FIR was registered by the mother of the child victim for sexual assault and sexual harassment u/s 8 and 12 POCSO Act respectively against his step-mother, the accused person. The delay of 14 days in filing of FIR and the strained relationship between the mother of the child victim and his father and the accused person were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 323/354/506/504/509/34 IPC and 8/12 POCSO Act.	6
7	<b>Shubham Sanjay Devkate v. State of Maharashtra 2021</b> SCC OnLine Bom 6376 Date of Order: February 22, 2021	The fact that the accused was a person of young age (18 years), thus the possibility and potential to improve his behaviour were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 354D IPC and 12 POCSO Act.	7

## Anticipatory Bail – Rejected

No.	Case	Grounds	Paras
8	<b>Urmila Prakash Bhatia v. State of Maharashtra 2022</b> SCC OnLine Bom 3827 Date of Order: January 7, 2022	The fact that the accused person held a dominant position as the step-mother of the child victim, that the victim was 13 years when the accused person had subjected her to sexual assault, the period over which the abuse was carried out (over 3 years), were the grounds considered while <b>rejecting</b> anticipatory bail of the accused person. The FIR was registered u/s 323/354/506/504 IPC, 8/12 POCSO Act and 75 JJ Act.	6, 16-19
9	<b>Mohammed Imran v. State of Maharashtra 2022</b> SCC OnLine Bom 3840 Date of Order: January 10, 2022	The fact that the case involved allegations of penetrative sexual assault committed against the child victim by her father, seriousness of the allegations, that the child first narrated the incident to her maternal grandmother who took her in confidence, were the grounds considered while <b>rejecting</b> anticipatory bail of the accused person. The FIR was registered u/s 354A/376(2)(f)/376AB IPC and 4/8/12 POCSO Act.	8

## Regular Bail – Granted

No.	Case	Grounds	Paras
10	<b>Mandip Gyan Singh v. State of Maharashtra and Another 2025 SCC OnLine Bom 439</b> Date of Order: February 13, 2025	The fact that from the statement of the child victim (14 years) it appears that there was a consensual relationship between her and the accused person (25 years), that it is settled law that the principle rule of bail is to ascertain whether the accused person is likely to appear before the court for trial were the grounds considered while <b>granting</b> regular bail. The FIR was registered u/s 376(2)(j)(n)/363 IPC and 4/8/12 POCSO Act.	9-12
11	<b>Pratik Vilas Shelar v. The State of Maharashtra and Ors. Bail Application No. 2726 of 2019</b> Date of Order: March 17, 2021	The fact that although the victim disclosed that she had been forcibly assaulted by the accused persons, the medical and FSL reports recorded no evidence of force or injuries and Forensic Science Laboratory report, found no semen on either the victim's clothes or vaginal swab were the grounds considered while <b>granting</b> regular bail. The FIR was registered u/s 376D/363/506 IPC and 3/4/8/12 POCSO Act.	6 and 9
12	<b>Rohit v. State of Maharashtra, through PSO Civil Lines and Another 2025 SCC OnLine Bom 1222</b> Date of Order: March 28, 2025	The fact that the accused person was arrested on 17.12.2022, charges in the case were framed on 02.09.2023 and till the date of the concerning bail order by the High Court (28.03.25) not even one witness had been examined which adversely affects the right of the accused person to a speedy trial under Art. 21 of the Constitution of India, that daily orders of the trial proceedings show that adjournments were granted as the accused person could not be produced from the jail and that no efforts were made by the prosecution or the court to secure the presence of the accused person and proceed with the trial were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376/363/354A/354/504/506 IPC, 3/4/6/8/9/10/17/18 POCSO Act and 3(1)(w)(i)(ii)/3(2)(va) SC/ST Prevention of Atrocities Act.	6
13	<b>Ritik Suresh Millil v. State of Maharashtra and Ors. 2025 SCC OnLine Bom 257</b> Date of Order: February 7, 2025	The fact that the court was reluctant to punish the 20-year-old accused with incarceration prior to conviction, the possibility that the accused person's family will do their duty in aiding him to live a reformed life, the belief that further incarceration at this young age would worsen his likelihood of success in every sphere of life and expose him to further abuse were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/376(2)(f)(j)(n)/376(3) IPC and 4/6/8 POCSO Act.	15-19

No.	Case	Grounds	Paras
14	<b>Vandana Mahadev Kale v. State of Maharashtra and Another 2025 SCC OnLine Bom 566</b> Date of Order: February 25, 2025	The fact that the accused person was in custody for 4 years and 6 months and has been in jail with her 7 year old daughter with no progress in the trial were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 307/506(2) IPC, 5 POCSO Act and 75 JJ Act.	3, 7
15	<b>Manjunath Koli, Through His Wife Yasmin Koli Presently lodged in Judicial Custody Central Jail v. State of Goa, Through Public Prosecutor and Another 2023 SCC Online BOM 1772</b> Date of Order: August 28, 2023	The fact that the child victim turned hostile, the non-requirement of custodial interrogation and no complaints by the child victim or her family of any threatening or tampering of the witnesses were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376(2)(j)(n)/312/313/315 IPC, 4/12 POCSO Act and 8(2) Goa Children's Court Act.	6
16	<b>Manjunath Koli, Through His Wife Yasmin Koli Presently lodged in Judicial Custody Central Jail v. State of Goa, Through Public Prosecutor and Another 2023 SCC Online BOM 1772</b> Date of Order: August 28, 2023	The fact that the child victim turned hostile, and no complaints by the child victim or her family of any threatening or tampering of the witnesses were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376(2)(j)(n)/312/313/315 IPC, 4/12 POCSO Act and 8(2) Goa Children's Court Act.	6
17	<b>Raju Rajput Presently in Judicial Custody through His Next Friend Tulsi Rajput v. State of Goa through Public Prosecutor and Others 2024 SCC OnLine Bom 1145</b> Date of Order: April 23, 2024	The fact that the material brought on record showed that the relationship between her and the accused person was of consensual nature, young age of the accused person (26 years), and lack of criminal history were considered as grounds for <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376/420/313 IPC and 4/8 POCSO Act.	15-19
18	<b>Imran Iqbal Shaikh v. State of Maharashtra and Anr. 2023 SCC OnLine Bom 1040</b> Date of Order: April 26, 2023	The fact that the material brought on record <i>prima facie</i> indicated that the relationship between the child victim and the accused person was of consensual nature, that the accused has been in custody since 17.02.21 while the trial has not yet commenced, were the factors considered for <b>granting</b> regular bail. The Court emphasised that the purpose of the POCSO Act is not to criminalise consensual relationships between adolescents. The FIR was registered u/s 363/376 IPC and 4 POCSO Act.	4-6

No.	Case	Grounds	Paras
19	<b>Shaish Thapa, thr. Next friend/mother Shakuntala Thapa v. State of Goa, thr. Police Inspector, Vasco Police Station and Another 2023 SCC OnLine Bom 1367</b> Date of Order: July 10, 2023	The fact that a significant time was required to complete the trial due to the examination of multiple witnesses, the accused person's age (23 years), no likelihood of witness intimidation by the accused person as the mother of the child victim and the child victim herself had already been examined were the factors considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/376 IPC and 4/8/12 POCSO Act.	4
20	<b>Rohan Ronald Menezes v. State of Maharashtra 2021 SCC OnLine Bom 10452</b> Date of Order: September 27, 2021	The fact that there was a possibility of a false complaint being filed by the child victim with exaggerated facts, contradictory elements in the statement of the witnesses and medical examination report not supporting the case of prosecution were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376/354/34 IPC and 4/8/12 POCSO Act.	9 - 14
21	<b>Babuali Abdul Hakim Ansari v. State of Maharashtra 2021 SCC OnLine Bom 11970</b> Date of Order: November 30, 2021	The FIR in the case was filed by the mother of the child victim with regard to the incident of sexual assault dated 29.07.2020. There was another FIR registered by the aunt of the child victim with regard to a separate incident of sexual assault committed against the child victim by a different person at a different place on the same date. This was the ground considered while <b>granting</b> regular bail. The FIR was registered u/s 376/376(3)/376DA/354/354A/363/506 IPC and 6/10/12 POCSO Act.	7-9
22	<b>Nooralam v. State of Maharashtra and Another 2021 SCC OnLine Bom 6481</b> Date of Order: December 16, 2021	The fact that the affidavit provided by the complainant (child victim's mother) stated that the allegations of sexual assault are false, and the period of custody undergone (3 years and 7 months) were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376/506 IPC and 4/8/12 POCSO Act.	4 and 6
23	<b>Imran Ismail Mohammad Shaikh v. State of Maharashtra 2020 SCC OnLine Bom 3803</b> Date of Order: January 7, 2020	The fact that the child victim's age was 17 years, the timeline for the trial, the close proximate relationship between the child victim and the accused person, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376(2)(n)/506 IPC and 6 POCSO Act.	6

No.	Case	Grounds	Paras
24	<b>Vivek Dattaram Jadhav v. State of Maharashtra 2020 SCC OnLine Bom 3824</b> Date of Order: January 7, 2020	The fact that the FIR was registered after a long unexplained delay of 3 years, that no complaint was made to any other person, and that the accused person was not required to be in custody were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376/506 IPC, 4/12 POCSO Act and 75 JJ Act.	5
25	<b>Adam Mehbub Pathan v. State of Maharashtra 2020 SCC OnLine Bom 3828</b> Date of Order: January 7, 2020	The fact that the age of the child victim was 16 years and 5 months, the accused person and the child victim were acquainted with each other, the victim had not made any complaint with respect to the alleged sexual assault that took place a month before she went missing, that she had accompanied the applicant to his sister's place, the relationship was apparently consensual, that although the victim was a minor she was of age and understanding, and that the accused person was in custody since the last 11 months were the grounds considered by the Court while <b>granting</b> bail to the accused person. The FIR was registered u/s 363/366/376 IPC and 3/4 POCSO Act.	4
26	<b>Lingya v. State of Maharashtra 2020 SCC OnLine Bom 3747</b> Date of Order: January 8, 2020	The fact that there were substantial variations in the FIR, the first statement of the child victim and her statement u/s 164 CrPC and the complainant (her cousin), was the ground considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376(2)(f)(j)/342/506 IPC and 4/5/6/17 POCSO Act. The complainant and the child victim had alleged that the complainant's mother had taken the child victim to a lodge where the child victim was sexually assaulted by the accused person and one more person. They had further alleged that they were threatened by the mother of the complainant causing the delay of 2 months in filing the FIR. Also, in her first statement child victim did not specifically state that the accused had committed sexual assault upon her. In their statement u/s 164 CrPC both the complainant and the child victim exonerated the mother of the complainant and added a second incident of sexual assault that was not mentioned in the previous statement.	6
27	<b>Sanjeev Dhruv Varma v. State of Maharashtra 2020 SCC OnLine Bom 3813</b> Date of order: January 9, 2020	The fact that the other 2 co-accused persons were granted bail in September 2017 while the accused person has been in custody since 06.07.2017 and the gravity of the role ascribed to the other co-accused being more than the accused person were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/323/366/376/370/344/506/34 IPC, 4/12 POCSO Act and 3/4/5/6 Immoral Traffic Prevention Act.	5, 6

No.	Case	Grounds	Paras
28	<b>Anirudha Radheshyam Yadav v. State of Maharashtra 2020 SCC Online Bom 3805</b> Date of Order: January 9, 2020	The fact that the conduct of the child victim indicated that she had left her parent's home on her own will and had developed physical relationship with the accused person out of her love and affection for the accused, that there was nothing on record to show that the relationship was developed by the child victim under misconception of fact or on a false promise to marry were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 4/6/8 POCSO Act.	5
29	<b>Mukesh Kalpanath Gupta v. State of Maharashtra 2020 SCC OnLine Bom 3774</b> Date of Order: January 21, 2020	The accused person was being prosecuted for charges u/s 363/376 IPC and 3/4 POCSO Act. He was released on bail in December of 2015. Non-bailable warrants were issued against him and he was taken into custody after he stopped appearing for the trial in 2019. The current bail application was filed for his release. An undertaking given by the father of the accused ensuring his presence on each date was a ground considered while <b>granting</b> regular bail to the accused person.	4
30	<b>Saheel Satywan Parwar, through Next Friend Ajay Uttam Jadhav v. State of Goa through Police Inspector Mapusa Police Station 2023 SCC Online Bom 2544</b> Date of Order: November 28, 2023	Complaint filed by the father of the child victim and statement of the victim u/s 161 and 164 CrPC coupled with her response before the trial court in bail proceedings indicating that she had voluntarily gone with the accused person and stayed for 4 days at his uncle's place, and refusal by the child victim to be medically examined were the grounds considered while <b>granting</b> bail to the accused person.	6 and 7

## Regular Bail – Rejected

No.	Case	Grounds	Paras
31	<b>Prashant Sakharam Atre v. State of Maharashtra and Another 2025 SCC Online Bom 730</b> Date of Order: March 20, 2025	The fact that the case involved sexual assault committed against a young child of 8 years, the position of the accused person as child victim's school bus driver who had the responsibility of ensuring that the child victim reached home safely and the fact that the maximum punishment for the offence u/s 7, 8, 9(m) and 10 POCSO Act is 7 years and the accused person has only completed 2 years of imprisonment and thus it cannot be said that the accused person has completed one-third of the maximum punishment were the grounds considered in <b>rejecting</b> regular bail to the accused person. Although, the FIR and subsequently the chargesheet was registered u/s 354A/354B IPC and 11/12 POCSO Act, the Court while rejecting bail reasoned that the material annexed to the chargesheet prima facie discloses the commission of offences u/s 7/8/9/10 POCSO Act.	30-32, 34

No.	Case	Grounds	Paras
32	<b>Mehraj v. State of Maharashtra and Another 2024 SCC OnLine Bom 1207</b> Date of Order: April 29, 2024	The fact that the child victim was 7 years old at the time of the offence, the extreme violence to which the child victim was subjected, the penetrative sexual assault by the accused person, the psychological and emotional damage caused to her which has extended beyond her adolescence, the possibility that the release of the accused person may allow him to threaten or coerce the child victim, the likelihood of repeating the said offence, the nature and propensity of the accused person in committing such an offence, and the fact that the release may further aggravate and fester the wounds of the child victim which are still fresh in her mind were the grounds considered while <b>rejecting</b> regular bail to the accused person. The FIR was registered u/s 323/328/342/354/376/377/506/34 IPC and 4/6/8/12/17 POCSO Act. The family of the child victim learnt about the abuse she was subjected to through her handwritten notebook.	31-35
33	<b>Unnikrishnan Rajeevkumar Bhaskaran v. State of Maharashtra and Another 2024 SCC OnLine Bom 264</b> Date of Order: January 23, 2024	The fact that the case was registered u/s 4, 6, 8, and 12 POCSO Act involving two minor victims aged 9 and 13 years, that the accused being the 'fufa' (father's sister's husband) of the victims had committed serious offences over several years and had threatened the victims not to disclose the abuse to their families, that although the medical report disclosed no external injuries the provisional opinion of the doctor stated that sexual assault could not be ruled out, the apology chat placed on record between the father of the victims and the accused, which prima facie established an implied admission of guilt though not amounting to an extra-judicial confession, and given the tender age of the victims and the threats made by the accused the delay in reporting was found to be understandable, were the grounds considered while <b>rejecting</b> the bail application of the accused person. The FIR was registered u/s 376(2)(f)(i)(n)/500/506, 4/6/8/12 POCSO Act and 43(a)/67A IT Act.	18-28 , 32-36
34	<b>Somnath Bhivaji Gaikwad v. State of Maharashtra and Another 2024 SCC OnLine Bom 1124</b> Date of Order: April 18, 2024	The fact that the case involved the offence of gang rape committed against a 15-year-old girl. That mere delay in trial in grave offences cannot be the sole ground for granting bail, and that the conduct of the victim in giving consent to the bail application in such a heinous offence reflected that the accused are influencing the witnesses, were the grounds considered while <b>rejecting</b> the bail application of the accused persons. The court further directed the trial to be concluded within 9 months. The FIR was registered u/s 363/366A/376(3)/376D/376DA IPC and 4/6/8/12 POCSO Act.	9-17

No.	Case	Grounds	Paras
35	<b>Aniket Anant Kamble v. State of Maharashtra 2020 SCC OnLine Bom 3765</b> Date of Order: January 20, 2020	The fact that the case involved allegations of sexual assault u/s 7 POCSO Act thereby giving rise to the presumption of guilt u/s 29 and 30 POCSO Act, it being an incest case where the accused is the paternal uncle of the child victim, and the lack of a reason to disbelieve the statement of the child victim detailing the offence, were the grounds considered while <b>rejecting</b> regular bail to the accused person.	2 and 4
36	<b>Indrakant Badri Jha v. State of Maharashtra 2020 SCC OnLine Bom 3758</b> Date of Order: January 13, 2020	The fact that the child victim suffered from intellectual disability and her mental age was 7 years, the handwriting of the accused tallied with the signature on the entry register of the lodge where the child victim was assaulted, identification of the accused person in the Test Identification Parade (TIP) by the child victim and staff of the lodge were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 363/376/34 IPC and 3 /4 POCSO Act.	4, 6, 9

### Interim Bail - Granted

No.	Case	Grounds	Paras
37	<b>Akshay Rangrao Patil v. State of Maharashtra and Another 2021 SCC OnLine Bom 6312</b> Date of Order: February 3, 2021	An application was filed for suspension of sentence and grant of interim bail. The accused person was convicted by the trial court for offences u/s 376(2)(f) IPC and 4/6 POCSO Act. Interim bail for a period of 8 days <b>was allowed</b> in order to enable the accused person to appear for his 5th semester LLB online examination. The court had on a previous occasion granted interim bail and suspended his sentence for a limited period to enable him to pursue his education.	4

### Interim Bail - Rejected

No.	Case	Grounds	Paras
38	<b>Atul Gorakhnath Ambale v. State of Maharashtra 2022 SCC Online Bom 873</b> Date of Order: April 1, 2022	Interim bail was sought on medical grounds as the accused person was HIV Positive. It was not disputed that the accused was HIV Positive but the fact that the medical report of the accused person showed that his condition was stable and that he was being taken care of by the jail authorities was considered while <b>rejecting</b> interim bail to the accused person. The FIR was registered for offences u/s 376/342 IPC and 4/5/8/12 POCSO Act committed against the child victim of 11 years.	4, and 12, 13, 14, and 15.

## Dismissal

No.	Case	Grounds	Paras
38	<b>Omkar Dattatraya Dangat v. State of Maharashtra 2023 SCC OnLine Bom 2251</b> Date of Order: October 16, 2023	Since the accused person's appeal was dismissed and the conviction was upheld by the High Court u/s 363/366A/376(2)(n) of IPC and u/s 4 and 6 POCSO Act, the infructuous nature of the interim bail application was the ground considered while <b>dismissing</b> the application.	86

## Suspension of Sentence – Granted

No.	Case	Grounds	Paras
39	<b>Mohd. Chand Mohd. Islam Kureshi v. State of Maharashtra 2024 SCC OnLine Bom 1410</b> Date of Order: May 24, 2024	The said application was filed by the accused person seeking suspension of sentence imposed by the Trial Court for conviction for kidnapping and sexual harassment u/s 363 IPC and 12 POCSO Act respectively. The fact that many arguable points were raised in the appeal at hand but since it would take its own time to decide and in the meanwhile might become infructuous as the sentence imposed was for a limited period (3 years), were the grounds considered while <b>granting</b> the suspension of sentence of the accused person.	6
40	<b>Sidharth v. State of Goa Thr. Police Inspector 2023 SCC OnLine Bom 258</b> Date of Order: January 30, 2023	The said application was filed by the accused person seeking suspension of sentence imposed by the Trial Court for conviction for kidnapping, rape and penetrative sexual assault u/s 363 IPC, 376 IPC and 4 POCSO Act respectively. The fact that the accused person was out on bail during the pendency of the trial, that it is not the prosecution's case that this liberty has been misused by the accused person and that the appeal against conviction may not be decided expeditiously considering the pendency of cases, were the grounds considered while <b>granting</b> the suspension of sentence of the accused person.	5-7
41	<b>Shafi v. State of Maharashtra and Another 2022 SCC OnLine Bom 4093</b> Date of Order: January 18, 2022	The said application was filed by the accused person seeking suspension of sentence imposed by the Trial Court for conviction for aggravated sexual assault u/s 10 POCSO Act. The fact that the accused person had been sentenced to imprisonment for 5 years, that he was on bail during trial, that any misuse of bail was not reported, that the applicant is undergoing treatment for Hemi Parkinson disease, that there were discrepancies in the prosecution's evidence such as delay and contradictions in recording the statement of the child victim, and the fact that appeal may take time to come up for hearing were the grounds considered while <b>granting</b> the suspension of sentence of the accused person.	7

No.	Case	Grounds	Paras
39	<b>Govind Harishchandra Manchekar v. State of Maharashtra and Another 2022 SCC OnLine Bom 6058</b> Date of Order: February 24, 2022	The said application was filed by the accused person seeking suspension of sentence imposed by the Trial Court for conviction u/s 3/4/5/6/7/8 POCSO Act. The admission by the mother of the child victim in her testimony that the child victim exhibited no abnormal behaviour after returning from the accused's house, appeared calm, and went out to play, the admission by the grandmother that although there was blood on the victim's clothes she did not hand over those clothes to the police, the admission by the child victim that she was instructed by her parents and grandmother on what to depose, the admission by the medical officer that a child subjected to abuse would not ordinarily display normal social behaviour such as playing, eating, or refraining from complaining to parents after such an incident and the advanced age of the accused being 80 years, were the grounds considered while <b>granting</b> the suspension of sentence to the accused person.	6-10
40	<b>Mobin Samad Khan v. State of Maharashtra and Another 2022 SCC OnLine Bom 9512</b> Date of Order: March 11, 2022	The said application was filed by the accused person seeking suspension of sentence imposed by the Trial Court for conviction u/s 354 of IPC and 8 POCSO Act. Lack of medical evidence, discord between the families of the accused person and the child victim with both not being on talking terms, the period of sentence prescribed for the alleged offence being short and the lack of any adverse report indicating any misuse of the liberty of bail granted were the grounds considered while <b>granting</b> the suspension of sentence of the accused person.	5
41	<b>Akshay Bhanudas Shinde v. State of Maharashtra and Another 2021 SCC OnLine Bom 12354</b> Date of Order: November 25, 2021	The said application was filed by the accused person seeking suspension of sentence imposed by the Trial Court for conviction u/s 376/354D IPC and 6 POCSO Act. As the conviction was based solely on the testimony of the child victim which failed to inspire the confidence of the Appellate Court, and that the circumstances narrated by the child victim in her cross-examination created reasonable doubts in the prosecution's case were the grounds considered while <b>granting</b> the suspension of sentence of the accused person.	4
42	<b>Virana v. State, thr. P.P. 2022 SCC OnLine Bom 3167</b> Date of Order: October 3, 2022	The said application was filed by the accused person seeking suspension of sentence imposed by the Trial Court for conviction u/s 8 and 12 POCSO Act. The fact that the judge of the trial court had in his judgment observed that prosecution has not examined the child victim nor there was any medical evidence on record to establish the offence of penetrative sexual assault and the insufficiency of the child victim's statement in proving the alleged offence were considered as grounds for <b>suspending the sentence</b> of the accused person.	2-4

No.	Case	Grounds	Paras
43	<b>Aamir Abbas Karnekar v. State of Maharashtra and Another 2022 SCC OnLine Bom 4082</b> Date of Order: January 10, 2022	The said application was filed by the accused person seeking suspension of sentence imposed by the Trial Court for conviction u/s 366/376(2) IPC and 6 POCSO Act. The consensual relationship between the child victim and the accused person and the lack of evidence confirming the age of the child victim were the grounds considered while <b>suspending the sentence</b> of the accused person.	7
44	<b>Manisha Arvind Patil v. State of Maharashtra and Another 2022 SCC OnLine Bom 9535</b> Date of Order: March 21, 2022	The said application was filed by the accused persons seeking suspension of sentence imposed by the Trial Court for conviction u/s 17 POCSO Act (offence of abetment). That conduct of the accused persons fell more under the category of non-reporting of offence under the POCSO Act and it was difficult to attribute the role of an abettor to them, were the grounds considered while <b>suspending the sentence</b> of the accused person.	9 and 10

### Suspension of Sentence – Rejected

No.	Case	Grounds	Paras
45	<b>Vinod Kumar Lalta Prasad Jaiswal v. State of Maharashtra and Another 2021 SCC OnLine Bom 12195</b> Date of Order: November 15, 2021	The said application was filed by the accused person seeking suspension of sentence imposed by the Trial Court for conviction u/s 363/376(1) IPC and 6/8 POCSO Act. The fact that the accused person was the maternal uncle of the child victim (aged 16 years at the time of the offence), that the victim being a child the physical relations even if consensual will constitute the offence of penetrative sexual assault were considered as grounds for <b>rejecting</b> the suspension of the sentence of the accused person. The court further observed that the accused person being on bail during the trial can not per se be a ground to grant suspension of sentence.	8 and 9
46	<b>Pulmurga Gawander Presently in Judicial Custody v. State of Goa, Thr. Police Inspector 2024 SCC OnLine Bom 1261</b> Date of Order: May 6, 2024	The said application was filed by the accused person seeking suspension of sentence imposed by the trial court for conviction u/s 363/376 IPC and 4/6/12 POCSO Act. The fact that there were no palpable errors made by the trial court in pronouncing the sentence for the accused person and that it was not a conviction for a short term imprisonment (he was sentenced to 20 years of imprisonment) were the grounds considered while <b>rejecting</b> the suspension of the sentence of the accused person.	11-14

No.	Case	Grounds	Paras
47	<b>Zidan v. State of Maharashtra and Another 2021 SCC OnLine Bom 12259</b> Date of Order: November 18, 2021	The said application was filed by the accused person seeking suspension of sentence imposed by the trial court for conviction u/s 363/376 IPC and 4/6 POCSO Act. Medical evidence supporting the case of the prosecution, child victim's evidence prima facie proving that it was a case of penetrative sexual assault, and the inability of the child victim to consent due to her minority were the grounds considered while <b>rejecting</b> the suspension of the sentence of the accused person.	7 and 9

## Other

No.	Case	Grounds	Paras
48	<b>Arjun Kishanrao Malge v. State of Maharashtra 2021 SCC Online Bom 551</b> Date of Order: April 8, 2021	The High Court issued the following directions:  <ol style="list-style-type: none"> <li>1. Where an application is made before the Court on behalf of the prosecution, it shall be the duty of the office of the Public Prosecutor, and where filed by the accused, the duty of the accused, to issue notice of the hearing along with all relevant documents to the child victim's family, guardian, and legal counsel, if any.</li> <li>2. When an application is made by the prosecution, the police officer must confirm that service of the application, necessary records, and notice of hearing has been duly completed.</li> <li>3. If service to the child victim's family, etc. is not possible, the SJPU shall inform reasons in writing to the Court.</li> <li>4. The Court shall verify the status of notice, and if notice has not been issued, may pass a reasoned order as it deems fit to secure the ends of justice, considering any circumstances that justify proceeding in the absence of the child victim's family, etc.</li> <li>5. If despite issuance of notice the child victim's family, etc. do not attend the hearing, the court may proceed in their absence or issue fresh notice as it deems fit.</li> <li>6. If the proceedings under the Act also relate to S. 376(3), 376AB, 376DA or 376DB IPC, notice to child victim shall be issued u/s 439(1-A) CrPC r/w rules 4(13) and 4(15).</li> </ol>	14, 15, 16, 17, and 20

No.	Case	Grounds	Paras
49	<p><b>Aniket v. State of Maharashtra, through Ahmednagar Police Station and Another 2023 SCC OnLine Bom 2713 [Aurangabad Bench]</b></p> <p>Date of Order: December 19, 2023</p>	<p>The Court held that in a case involving offences under both the POCSO Act and SC/ST (Prevention of Atrocities) Act, a victim thereof does not have a right to prefer appeal u/s 14-A SC/ST Act as the POCSO Act has an overriding effect over the SC/ST Act, and the POCSO Act does not have a provision for appeal against an order <b>granting</b> bail, though the victim is allowed to file for cancellation of bail. The Court further held that the Special Court constituted for trial of offences under POCSO Act has jurisdiction to try offences under any other Act including the SC/ST Act. However, the same is not true for Special Courts under the SC/ST Act. By virtue of S. 42-A POCSO Act, S. 28(2) of the Act would have an overriding effect on the provisions of the SC/ST Act.</p>	<p>10, 15-17, 29, 31-32, 34-35</p>

# Relevant Case Laws

## Rajasthan High Court

### Regular Bail – Granted

No.	Case	Grounds	Paras
1	<b>Praveen v. State of Rajasthan, 2025 SCC OnLine Raj 1099</b> Date of Order: March 25, 2025	The fact that no material was found by the investigation agency to support the allegation that the accused person had threatened to circulate child victim's obscene videos and photographs, that there was nothing on record to show that the accused person had mens rea or intention to aid or instigate the deceased to commit suicide and also that the accused person who is aged about 20 years is in judicial custody were the grounds considered by the Court while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 354A/354D/306/120B IPC, 11/12 POCSO and 67 IT Act.	7,8
2	<b>Ramesh v. State of Rajasthan S.B. Criminal Misc Bail Application No. 11037/2024</b> Date of Order: November 29, 2024	The fact that the child victim had not named the accused person, nor leveled any allegation against him in any of her statements including her statement u/s 164 CrPC were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered by parents of the child victim for kidnapping u/s 363 IPC. After the completion of investigation the chargesheet was filed u/s 366/376(2)(n)IPC and 5/6 POCSO Act.	5,6,8,9-12
3	<b>Harish v. State of Rajasthan, 2024 SCC OnLine Raj 906</b> Date of Order: April 18, 2024	The fact that FIR mentioned specific allegations of sexual assault/rape against only one person, that the child victim in her subsequent statements levelled allegations of penetrative sexual assault against a number of persons including the accused person but only a few of them were arrested and chargesheeted without any reasonable explanation, that the statements of the child victim have already been recorded before the competent criminal court therefore there is no longer any apprehension of the accused person influencing the child victim, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376(2)(n)/376(3) IPC and 5/6 POCSO Act.	9 and 10
4	<b>Vikram v. State of Rajasthan, 2025 SCC OnLine Raj 967</b> Date of Order: April 4, 2025	The fact that the child victim in her statements u/s 180 and 183 BNSS had denied the allegation of being forcibly abducted or subjected to sexual assault-rape by the accused person and her statement that she had voluntarily ran away from her home with him were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 137(2)/87/64(2)(m) BNS, 5/6 POCSO Act and 3(2)(v)/3(2)(va)/3(1)(w) SC/ST Prevention of Atrocities Act.	6 and 7

No.	Case	Grounds	Paras
5	<b>Harish v. State of Rajasthan, 2024 SCC OnLine Raj 1713</b> Date of order: June 26, 2024	The fact that no justification had been furnished by the child victim for lodging the FIR after a delay of about more than 20 days from the date of the alleged incident, that there was no definite finding regarding sexual assault/rape in the medical examination report and that the prosecution did not show any apprehension of accused person influencing the victim child, were some of the grounds considered by the Court while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/376 IPC and 3/ 4 POCSO Act.	7
6	<b>Rahul Katara and Ors. v. State of Rajasthan S.B. Criminal Miscellaneous Bail Application No. 20783/2021</b> Date of Order: March 16, 2022	The fact that all accused persons are government servants and one of them is a judicial officer, thus the potential of a pre-conviction detention (that does not lead to a conviction) to tarnish the reputation which cannot be compensated, was the ground considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 377 read with 34 IPC and 5/6 POCSO Act.	27, 28, 29, 30, 32
7	<b>Ravi v. State of Rajasthan and Ors.2023 (1) RLW 116 (Raj.)</b> Date of Order: October 10, 2022	The fact that the complainant (husband of the victim) turned hostile, victim not turning up at the trial for evidence and medical report not reflecting any injuries, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered by the husband of the victim u/s 376D/342 IPC and 5/6 POCSO Act.	4
8	<b>Rakesh v. State of Rajasthan through Public Prosecutor 2021 SCC OnLine Raj 2959</b> Date of Order: July 6, 2021	The fact that the essential ingredients to constitute an offence u/s 7 POCSO Act were absent, any mention of an offence under the POCSO Act by the child victim in her statement u/s 164 CrPC was absent, and possibility of the trial taking sufficiently long time were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 354IPC and 9/10 POCSO Act.	6
9	<b>Shankari Bai v. State of Rajasthan through P.P. 2020 SCC OnLine Raj 1382</b> Date of Order: September 28, 2020	The fact that the accused person was a lady and allegations u/s 376 IPC and 4/5 POCSO Act are levelled against the main accused, 3 months of custody served by the accused person (during COVID) were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376/366/363/344 IPC and 5/6/17 POCSO Act.	9
10	<b>Deepak v. State of Rajasthan 2021 SCC OnLine Raj 272</b> Date of Order: March 18, 2021	The fact that the child victim admitted in her cross-examination that the FIR was filed because the accused person refused to marry her was the ground considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/366/376/120B IPC and 4 POCSO Act.	7

No.	Case	Grounds	Paras
11	<b>Amrit Lal v. State of Rajasthan 2023 SCC OnLine Raj 3117</b> Date of Order: September 19, 2023	The fact that the child victim and the accused person were married, their co-habitation before the filing of the FIR and the fact that the FIR was registered after conception of a child, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376(2)(n)/376D/384/312 IPC and 4 POCSO Act.	5
12	<b>Bablu v. State 2022 SCC OnLine Raj 934</b> Date of Order: May 30, 2022	The fact that the child victim was married to the accused person, she was nine months pregnant and was entirely dependent on the accused person for her care were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 323/366A/344/376 IPC and 5/6POCSO Act.	4, 6
13	<b>Arun Pawar @ Deepu v. State of Rajasthan 2020 SCC OnLine Raj 815</b> Date of Order: April 20, 2020	The fact that the child victim had turned hostile before the trial court, bail was granted to similarly situated co-accused persons were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376 DA/506 IPC, 5/6 POCSO Act and SC/ST (Prevention of Atrocities) Act.	10, 12
14	<b>Kalu Ram v. State of Rajasthan 2023 SCC OnLine Raj 4549</b> Date of Order: November 7, 2023	The fact that there was an amicable resolution of the dispute between the parties after registration of FIR, no objection by the child victim's counsel to grant of bail and the fact that child victim was residing with the accused person was a ground considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376/376(3)/366/363 IPC and 3/4/11/12 POCSO Act.	5
15	<b>Dinesh Singh v. State of Rajasthan 2023 SCC OnLine Raj 1635</b> Date of Order: September 4, 2023	The fact that the child victim was close to majority and her consensual physical relationship with the accused person as evident from her statement u/s 164 CrPC were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363 IPC and after investigation charges u/s 342/343/376(2)(n) IPC and 3/4/5/6 POCSO Act were added.	5
16	<b>Khajan Singh v. State of Rajasthan 2022 SCC OnLine Taj 1675</b> Date of Order: January 28, 2022	The fact that the FIR stated that it was a case of attempt to rape, 164 CrPC statement of the child victim stating that it was gang rape, no medical evidence to support the prosecution case and negative FSL report, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/376/307/511 IPC and 7/8 POCSO Act.	3, 6
17	<b>Pankaj v. State of Rajasthan 2023 SCC OnLine Raj 2707</b> Date of Order: August 2, 2023	The fact that there was prima facie evidence indicating that the child victim voluntarily eloped with the accused person and she continued to be in his company out of her own free will was the ground considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/366/343/376 IPC and 3/4 POCSO Act.	2, 6

No.	Case	Grounds	Paras
18	<b>Rajkumar v. State of Rajasthan 2021 SCC OnLine Raj 1338</b> Date of Order: October 5, 2021	The fact that the accused person and the child victim continued a consistent physical relationship with a promise to marry, the fact that trial may take considerable time to conclude and that custody of the accused person was not required were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376(2)(n)/506 IPC and 5/6 POCSO Act.	6, 7
19	<b>Lokesh v. State of Rajasthan 2023 SCC OnLine Raj 2535</b> Date of Order: September 13, 2023	The fact that there was absence of recent evidence of sexual violence in the medical report, young age (20 years) of the accused person, completion of testimony of the child victim before the trial court, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/366/342/376 IPC and 5/6 POCSO Act.	6
20	<b>Chandu Lal v. State of Rajasthan 2023 SCC OnLine Raj 3068</b> Date of Order: September 15, 2023	The fact that the child victim explicitly denied being subjected to forced sexual assault in her testimony before the trial court and also stated that she voluntarily eloped with the accused person were the ground considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/366/344/376(3)/376(2) IPC and 5/6 POCSO Act.	5
21	<b>Gamera Ram v. State of Rajasthan 2024 SCC OnLine Raj 500</b> Date of Order: March 4, 2024	The fact that there was delay of 4 months in lodging the FIR without furnishing any reason for the delay, absence of any injuries on the child victim as per the medical examination report, and completion of evidence of the child victim before the trial court, were the grounds considered by the court while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 450/376/384 IPC and 3/4 POCSO Act.	8

## Interim Bail - Rejected

No.	Case	Grounds	Paras
22	<b>At present lodged in District Jail, Bhilwara v. State of Rajasthan S.B. Criminal Misc Bail Application No. 10631/2024</b> Date of Order: October 8, 2024	The fact that the offence was of a serious nature, the relationship between the accused person and the child victim being familial (mousaji) and the evidence by the child victim were the grounds considered while <b>rejecting</b> regular bail to the accused person. The Court recognised that certain contradictions in the statements of a child victim were likely due to the traumatic nature of such incidents, and such minor inconsistencies in the child victim's testimony were not sufficient to grant bail to the accused person when the overall credibility of the allegations remained intact. The FIR was registered u/s 363/366/342/376 IPC and 3/4 POCSO Act.	6,7

No.	Case	Grounds	Paras
23	<b>Ramswaroop Devariya v. State of Rajasthan 2022 SCC OnLine Raj 925</b> Date of Order: May 25, 2022	The fact that the testimony of the child victim provided clinching pieces of evidence sufficient for sustaining the allegations was the ground considered while <b>rejecting</b> regular bail to the accused person. The FIR was registered u/s 323/376(3)/450 IPC and 3/4 POCSO Act. Even though the other witnesses such as the mother and other close relatives of the child victim had not supported the case of the prosecution and had turned hostile, the court observed that it was not sufficient to demolish the allegations against the accused person.	7-8
24	<b>Laxman Charan v. State of Rajasthan and Ors. S.B. Criminal Misc Bail Application No. 9723/2024</b> Date of order: August 21, 2024	The fact that the child victim (11 years) did not have the capacity to understand the implications of the compromise between her parents and the accused person, the nature of the crime, the prima facie evidence against the accused person and the role attributed to him in the commission of the offence were the grounds considered while <b>rejecting</b> regular bail of the accused person. The Court observed that a compromise arrived at between the accused person and child victim's parents has no legal value as often such compromises are due to undue influence, coercion and threats rather than being genuine settlements and it is the duty of the Court to protect the best interests of the child. The FIR was registered u/s 342/376(2)(f) IPC, 5/6 POCSO Act, 3(1)(w)/3(2)(v) SC/ST (Prevention of Atrocities) Act.	6,7,8
25	<b>Asharam v. State of Rajasthan, D.B. Criminal Misc. Third Suspension of Sentence Application (Appeal) No. 220/2022</b> Date of order: July 7, 2022	The fact that the accused person was convicted u/s 370(4), 342, 506, 376(2)(f), 376D IPC, with another case ongoing in the State of Gujarat where bail was rejected on multiple occasions, that it was the defence counsel that sought adjournments on multiple occasions, that the two previous applications for suspension of sentence were dismissed by the Court and that the accused person continued to be in custody in the trial ongoing in Gujarat were the grounds considered while <b>rejecting</b> the suspension of sentence and bail to the accused person.	7,8
26	<b>Pratap Singh v. State of Rajasthan and Ors., S.B. Criminal Appeal No. 1850 of 2020</b> Date of Order: February 16, 2021	The age of the child victim being 8 years and the lack of a reason to disbelieve her detailed statement were the grounds considered while <b>rejecting</b> regular bail to the accused person. The FIR was registered u/s 354B IPC, 7/8 POCSO Act, 3(1)(w) SC/ST (Prevention of Atrocities) Act.	3 and 4

## Interim Bail

No.	Case	Grounds	Paras
27	<b>Kalpesh v. State of Rajasthan 2024 SCC OnLine Raj 934</b> Date of Order: April 20, 2024	The accused person had filed an application seeking temporary suspension of sentence. The fact that the accused person's sister was getting married and he was required for the completion of the rituals was the ground considered while <b>granting</b> interim bail of 15 days to the accused person hence allowing the application for temporary suspension of sentence. The accused person was convicted u/s 363/366/343/376(3) IPC and 3/4 POCSO Act.	2, 5

## Cancellation of Bail - Granted

No.	Case	Grounds	Paras
28	<b>Aarti v. State of Rajasthan and Ors., S.B. Criminal Appeal No. 1427 of 2020</b> Date of Order: September 21, 2021	The fact that statements of the child victim u/s 161 and 164 CrPC contained specific allegations against the accused person, grant of bail by the special court while the accused had spent only 21 days in custody in a case involving gang rape of a minor, and that there is a presumption of guilt u/s 29 POCSO Act, were the grounds considered while <b>cancelling</b> bail of the accused person. The FIR was registered u/s 363/366A IPC and 3(2)(va) SC/ST (Prevention of Atrocities) Act. Later offences u/s 376D, 5/6 POCSO Act, 3(2)(v) of SC/ST (Prevention of Atrocities) Act were added.	10-15

## Cancellation of Bail - Rejected

No.	Case	Grounds	Paras
29	<b>Balwant v. State of Rajasthan, S.B. Criminal Writ Petition No. 553 of 2020</b> Date of Order: November 9, 2020	The fact that the child victim had not made allegations of any offence under the POCSO Act in the initial stage of the investigation but added such allegations 10 days later by changing her statement, the fact that due to her age (17 years) it cannot be claimed that she lacked the sufficient maturity to differentiate between the correct statement and incorrect statement, lack of any cogent or overwhelming circumstances provided by the prosecution requiring cancellation of the bail, the fact that the child victim did not object to the bail when it was first granted, the positive behaviour of the accused person during the investigation were the grounds considered while <b>rejecting</b> cancellation of bail of the accused person. The said criminal writ petition was preferred before the High Court by the accused person against the cancellation of bail ordered by the Special Judge.	4, 5, 8, 9

## Suspension of Sentence – Granted

No.	Case	Grounds	Paras
30	<b>Mohammad Saddam Ali Khan v. State of Rajasthan</b> <b>D.B. Criminal Appeal No. 66 of 2020</b> Date of Order: February 4, 2021	The fact that there were discrepancies in the cross-examination of the child victim where she admitted that she did not know the accused from before, no test identification parade being carried out, lack of medical evidence indicating life-threatening or grievous injuries caused to the child victim, the custody period of 4.5 years undergone by the accused, and the fact that appeal may take time to dispose off, were the grounds considered while <b>suspending the sentence</b> of the accused person.	3-7
31	<b>Suresh Singh v. State of Rajasthan</b> <b>D.B. Criminal Misc. Suspension of Sentence Application (Appeal) No. 45/2022</b> Date of Order: June 28, 2022	The fact that the prosecution failed to conclusively prove that the victim is a minor, the possibility that the accused person has been falsely implicated, and the period of judicial custody served were the grounds considered while <b>suspending the sentence</b> of the accused person. The accused was convicted u/s 363/366A/376(2)(n)/506 IPC, 3/4/5/6 POCSO Act and SC/ST (Prevention of Atrocities) Act.	2,3, 5
32	<b>Manish v. State of Rajasthan, D.B. Criminal Misc. Suspension of Sentence Application (Appeal) No. 1015/2022</b> Date of Order: November 21, 2022	The fact that the evidence (statements of child victim u/s 164 CrPC and her testimony before the court) clearly suggested a pre-existing consensual relationship between the child victim and the accused person, their previous elopement, the young age of the accused person, and the lack of evidence to establish criminal intent of the accused person were the grounds considered while <b>suspending the sentence</b> of the accused person. The accused was convicted u/s 363/376(2) IPC and 5/6 POCSO Act.	3, 5
33	<b>Bheem Singh v. State of Rajasthan</b> <b>2023 SCC OnLine Raj 4871</b> Date of Order: November 8, 2023	The fact that the parents of the child victim turned hostile for the prosecution's case, the affidavit filed on record stating the amicable resolution of the dispute between the parties and that the appeal will take considerable period of time in its disposal were the grounds considered while <b>suspending the sentence</b> of the accused person. The accused was convicted u/s 323 IPC and 9/10 POCSO Act.	6, 7
34	<b>Meka Ram v. State of Rajasthan</b> <b>2024 SCC OnLine Raj 1307</b> Date of Order: May 29, 2024	The fact that the accused person has been incarcerated since 12.11.2022 and the compromise arrived at by the parties were the grounds considered while <b>suspending the sentence</b> of the accused person.	4

No.	Case	Grounds	Paras
35	<b>Rohit Bairwa v. State of Rajasthan 2024 SCC OnLine Raj 862</b> Date of Order: April 8, 2024	The fact that the conviction of the accused person was solely based on a DNA report, that child victim had earlier alleged rape against the accused but later denied the same in her cross examination, that parents of the child victim did not support the allegations of sexual assault, that the appeal will take considerable period of time in its disposal, and that the accused has been in custody since the date of his arrest were the grounds considered while <b>suspending the sentence</b> of the accused person.	2, 5
36	<b>Radheshyam v. State of Rajasthan 2021 SCC OnLine Raj 3285</b> Date of Order: September 1, 2021	The fact that there was delay in filing the complaint, absence of any allegation of sexual assault by the child victim and the fact that the accused person has been in custody since November 2016 were the grounds considered while <b>suspending the sentence</b> of the accused person.	4

### Default Bail – Granted

No.	Case	Grounds	Paras
37	<b>Prakash v. State of Rajasthan and Ors., S.B. Criminal Revision Petition No. 1286/2022</b> Date of Order: December 9, 2022	The Court <b>granted</b> default bail due to the investigating agency's failure to submit the chargesheet within the stipulated time frame. The High Court further held that the practice of the courts (trial court in this case) to consider the date of filing of the incomplete chargesheet with shortcomings as the date when chargesheet was filed, with a view to facilitate the investigating agency to submit the chargesheet in the meantime, can not be appreciated. The FIR was registered u/s 363 IPC and after investigation charges u/s 366/376(2)(n)/376(3) IPC and 5/6 POCSO were added.	8,10,11

## Default Bail - Rejected

No.	Case	Grounds	Paras
38	<p><b>Akheraj v. State of Rajasthan, S.B. Criminal Revision</b>  <b>Petition No. 233/2022</b>                      Date of Order:                      March 24, 2022</p>	<p>The fact that the time period for availing default bail had elapsed was the ground considered for <b>rejecting</b> default bail to the accused person. The Court held that in situations of re-arrest of an accused person due to fresh sections being added in the chargesheet, the time period for being eligible for default bail is calculated from the date on which the accused person, who was previously released, was re-arrested. The FIR was registered u/s 363 IPC and after investigation charges u/s 457/342/366A/376(2)(n)/376D IPC and 3/4/5/6 POCSO were added.</p>	<p>11, 17-22,                      25-27</p>
39	<p><b>Sagar v. State of Rajasthan 2021 SCC OnLine Raj 2114</b>                      Date of Order:                      February 9, 2021</p>	<p>The fact that the chargesheet was filed within the stipulated time period despite the bona fide error of filing before the wrong Court was a ground considered while <b>rejecting</b> default bail of the accused person. The court held that such a bona fide error cannot be made a ground to give benefit of default bail to accused person in a heinous crime under the POCSO Act.</p>	<p>4</p>

# Relevant Case Laws

## Karnataka High Court

### Anticipatory Bail – Granted

No.	Case	Grounds	Paras
1	<b>Shanmukha v. State of Karnataka, by Honnali Police Station, represented by State Public Prosecutor 2022 SCC OnLine Kar 1163</b> Date of Order: April 13, 2022	The fact that the accused person had a limited role in the offence, that he was ready to cooperate with the investigating agency and the lack of knowledge about the child victim's age, were the grounds considered by the court while <b>granting</b> bail to the accused person. The allegation against the accused person was limited to the extent that he had abetted the main accused in kidnapping the child victim. The FIR was registered u/s 366A/376/34 IPC ad 4/17 POCSO Act.	11
2	<b>C. Manjunatha v. State of Karnataka and Another 2024 SCC OnLine Kar 3734</b> Date of Order: June 5, 2024	The fact that the chargesheet has been filed and the investigation has been completed, and that the prosecution is not contending that the accused person is required for interrogation were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 376(2)(n) IPC, 4/5/6 POCSO Act and 9 of Prohibition of Child Marriage (Karnataka Amendment) Act 2016. The child victim was married to the accused person in 2022 at the age of about 17.5 years and delivered a baby at the age of about 18.2 years.	4
3	<b>Ananda v. State Represented by Public Prosecutor and Another 2020 SCC OnLine Kar 3731</b> Date of Order: October 19, 2020	The fact that the marriage between the child victim and the accused person was voidable, the alleged offence not being punishable by death or life imprisonment, and lack of any indication of assault were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The Court reasoned that it would be unreasonable to arrest the accused person at this stage. The FIR was registered u/s 366 IPC and 9/10/11 Prohibition of Child Marriage Act.	3 and 5
4	<b>Babu T.J. v. State, Represented by State Public Prosecutor and Another 2020 SCC OnLine Kar 2062</b> Date of Order: October 6, 2020	The fact that the age of the child victim was above 18 years as per her aadhar card, that she was willing to marry the accused person and that the marriage was yet to occur were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 9/10/11 Prohibition of Child Marriage Act and 12 POCSO Act, at the instance of an officer from the child development office.	3-5

No.	Case	Grounds	Paras
5	<b>Palamma and Others v. State, Rptd. by S.P.P High Court 2021 SCC OnLine Kar 217</b> Date of Order: January 12, 2021	The fact that the name of accused persons are not mentioned in the FIR, determination of their role as an abettor to main accused being a matter of trial, and punishment prescribed for offences u/s 9/10/11 Prohibition of Child Marriage Act 2006, were the grounds considered while <b>granting</b> anticipatory bail to the accused person. Allegations against the accused persons (mother, brother and aunt of the child victim) were that they had performed the marriage of the child victim with the main accused against whom the child had levelled allegations of penetrative sexual assault.	3 and 4
6	<b>Hanamanthappa v. State of Karnataka, represented by State Public Prosecutor 2021 SCC OnLine Kar 5351 [Dharwad Bench]</b> Date of order: February 9, 2021	The fact that the child victim aged 16 years and 4 months, was engaged to the accused person (her maternal uncle), that in her statement u/s 164 CrPC she had categorically stated that the intercourse was consensual, that she had begotten a child out of the relationship and was residing with the accused person and that the complaint was not filed by the child victim or her family were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 376(2)(n) IPC and 4 and 6 POCSO Act at the instance of the District Child Protection Officer.	5-6
7	<b>Varun Kumar v. State of Karnataka, represented by the Special Public Prosecutor and Another 2024 SCC OnLine Kar 42</b> Date of order: April 18, 2024	The fact that there was continuing long term consensual relationship, the inordinate delay of 4 years in lodging the FIR, prima facie evidence and circumstances suggesting that a breakup in the relationship has resulted into a litigation, lack of evidence to show that the accused person would abscond, the weakness of the prosecution's case, and the fundamental right to freedom of the accused person were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 376(3)/420 IPC and 4/5/6 POCSO Act.	7-9, 12-14
8	<b>Yallappa v. State, through Shorapur P.S., (Representing by learned Addl. State Public Prosecutor 2021 SCC OnLine Kar 510</b> Date of Order: February 15, 2021	The fact that there was delay of more than 1 month in filing the FIR with no satisfactory explanation, medical certificate of the child victim indicating only simple injuries were suffered, along with the fact that the accused was an agriculturist with no criminal antecedents were the grounds considered while <b>granting</b> anticipatory bail to the accused person. The FIR was registered u/s 323/341/354/354A/504/506 IPC and 12 POCSO Act.	6

## Anticipatory Bail – Rejected

No.	Case	Grounds	Paras
9	<b>Leslie Peter v. State, by Ashok Nagar Police, rep by S.P.P High Court of Karnataka and Another 2024 SCC OnLine Kar 2151</b> Date of Order: July 15, 2024	The fact that the child victim is 9 years old and has fully supported the case of the prosecution and narrated the manner in which the accused person committed the offence in her statement u/s 164 CrPC, the serious nature of the offence, the absence of the accused person for investigation, were the grounds considered while <b>rejecting</b> anticipatory bail to accused person. After investigation, chargesheet was filed against the accused persons u/s 10/12/18 POCSO Act showing them absconding.	4
10	<b>Lalitha v. State of Karnataka and Another 2024 SCC OnLine Kar 4106</b> Date of Order: July 16, 2024	The fact that the order sheets provide evidence that the accused person has been actively avoiding his presence in court since 2018 despite being summoned multiple number of times was the ground considered while <b>rejecting</b> anticipatory bail to the accused person. The order sheets disclosed the issuance of repeated non-bailable warrants against the accused person, with even direction to the DCP to secure his presence yet his presence before the court could not be secured. The FIR was registered u/s 363/366/376 IPC and 4/5/6/8/17 POCSO Act.	5
11	<b>Santosh H.B v. State of Karnataka, Rep by its State Public Prosecutor 2021 SCC OnLine Kar 99</b> Date of Order: January 4, 2021	The fact that the accused person was absconding from the police and that a prima facie case was made out against the accused person for the chargesheeted offences were the grounds considered while <b>rejecting</b> anticipatory bail to the accused person. The FIR was registered by the mother of the child victim u/s 363 IPC. Post investigation, charges u/s 376/366/506IPC and 6 POCSO Act were added.	3
12	<b>Shivannanayaka and Others v. State of Karnataka, by Chamarajanagar Women Police Station, represented by the State Public Prosecutor and Another 2022 SCC OnLine Kar 965</b> Date of order: April 6, 2022	The fact that in the complaint there was no mention of the role played by the accused persons 3 and 4 and in the statement of the child victim their role is limited to abusing and giving life threats to the mother and uncle of the child victim along with accused person 1 and 2, and the said acts do not fall under the POCSO Act, were the grounds considered while <b>granting</b> anticipatory bail to accused persons 3 and 4 and <b>rejecting</b> the same for accused persons 1 and 2. The FIR was registered u/s 354/354(D)/504/506/34 IPC and 8/12 POCSO Act.	10

## Regular Bail – Granted

No.	Case	Grounds	Paras
13	<b>Dharshan v. State of Karnataka and Another 2024 SCC OnLine Kar 4851</b> Date of Order: July 3, 2024	The fact that the statement of the child victim (aged about 16 years) u/s 164 CrPC does not mention any form of sexual assault by the accused person, prima facie evidence that it was a consensual relationship, that he is only 19 years old and his detention may not be in his best interest as he may come in contact with hardcore criminals, and that the accused person does not have any criminal antecedents were the grounds considered for <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/366A/376 IPC, 6 POCSO Act and 9 of Prohibition of Child Marriage Act.	5
14	<b>Santoshkumar v. State of Karnataka Court of Karnataka, through Munirabad Police Station and Another 2024 SCC OnLine Kar 2012</b> Date of Order: July 12, 2024	The fact that the relationship between the child victim and the accused person was consensual whereby they had decided to marry, that prima facie evidence showed that both decided to elope and family of the child victim was against it, the accused person was not aware of the child victim being below 18 years (on the date of the alleged incident she was 17 years 9 months), and that on perusal of records no birth certificate was produced to determine age of the child victim were the grounds considered for <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/376 IPC, 6 POCSO Act.	10-11
15	<b>Parashuram v. State of Karnataka, Represented by Addl. SPP and Another 2024 SCC OnLine Kar 1094</b> Date of Order: June 26, 2024	The fact that the testimony of the child victim has been completed and thus there is no likelihood of the accused person threatening the child victim, the fact that there are 36 witnesses to be examined which will take a long period of time, and the fact that such prolonged detention violates the right under Art. 21 of the Constitution of India were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/376(2) (n)/354D/506/509/342 IPC, 4/6/12 POCSO Act.	4
16	<b>K. Sathishkumar v. State, Represented by S.P.P 2021 SCC OnLine Kar 227</b> Date of Order: January 15, 2021	The fact that there was no mention of any sexual assault by the child victim in her statement u/s 164 CrPC, 1 year of judicial custody undergone by the accused person, prima facie evidence that child victim and the accused person had a loving relationship (love affair) and determination of guilt being a matter of trial were the grounds considered while <b>granting</b> bail to the accused person. The FIR was registered u/s 363/366/376 IPC and 3/4 POCSO Act.	7 and 8

No.	Case	Grounds	Paras
17	<b>Rakesh Sharma v. State of Karnataka, Represented by State Public Prosecutor and Another 2021 SCC OnLine Kar 233</b> Date of Order: January 15, 2021	The fact that the medical evidence and statement of the child victim does not attract the allegations of Section 376 IPC or Section 4/6 POCSO Act, that the statement at max discloses offences of Section 7/8 POCSO Act, that Chargesheet is filed and further custodial interrogation of the accused person is not required were the grounds considered while <b>granting</b> bail to the accused person. The accused person was the father of the child victim. The FIR was registered u/s 376/506 IPC and 4/6/8/12/14 POCSO Act.	7 and 8
18	<b>Keshav Koteshwara v. State of Karnataka, by Women Police Station, represented by HCGP and Another 2022 SCC OnLine Kar 1344</b> Date of Order: June 3, 2022	The fact that the accused person has been in custody for 3 years and 2 months in a case where charges are framed u/s 12 POCSO Act, completion of evidence of all crucial witnesses (child victim + 11 other witnesses) and that only official witnesses are to be examined were the grounds considered while <b>granting</b> bail to the accused person. The FIR was registered u/s 376(1) and 5/6 POCSO Act. However, the charges were framed u/s 12/21 POCSO Act and 3(1)/3(2) SC/ST Prevention of Atrocities Act.	10,11,12
19	<b>Senthil v. State of Karnataka, Rep. by the Public Prosecutor 2020 SCC OnLine Kar 3237</b> Date of Order: May 27, 2020.	The fact that on the basis of the FIR and the 164 CrPC statement of the child victim elements of the offence u/s 3 POCSO and 376(3) IPC were not made out, the custody period (4 months) undergone, and lack of criminal antecedents were the grounds considered while <b>granting</b> bail to the accused person. The FIR was registered u/s 376 IPC and 3/7/8/11/12 POCSO Act.	1
20	<b>Maruti v. State of Karnataka, (Through Kustagi P.S) represented by its State Public Prosecutor and Another 2021 SCC OnLine Kar 12088</b> Date of Order: April 1, 2021	The fact that allegations against the accused person were similar to those levelled against the co-accused who had been granted bail, the accused person's voluntary surrender post dismissal of anticipatory bail, and the negligible risk of witness tampering by the accused person were the grounds considered by the court while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 323/354/504/506/34 IPC and 8/12 POCSO Act.	7
21	<b>Mohammed Sadiq v. State of Karnataka, through Arasikere Town Police Station, rep. by State Public Prosecutor 2022 SCC OnLine Kar 100</b> Date of Order: January 12, 2022	The fact that the child victim was married to the accused person and had filed the POCSO case after having two children were the grounds considered while <b>granting</b> bail to the accused person. The FIR was registered u/s 324/307/376/498A/34 IPC, 6 POCSO Act, 9/10 Prohibition of Child Marriage Act and 3/4 Dowry Prohibition Act.	4 and 6

No.	Case	Grounds	Paras
22	<b>Nagalingappa v. State of Karnataka through Bevoor Police Station, rep. by its Public Prosecutor 2020 SCC OnLine Kar 2840</b> Date of Order: September 2, 2020	The fact that the custody of the accused person had caused a default in his housing loan which would result in the house being auctioned causing his old parents to be homeless was the ground considered while <b>granting</b> bail to the accused person. Considering the urgency of the situation, bail was granted despite the fact that evidence of the victim was not completed. The case involved allegations of penetrative sexual assault u/s 4 and 6 POCSO Act. The FIR was registered u/s 448/450/376/506/201 IPC and 4/6 POCSO Act.	2, 6-8
23	<b>Nagaraju v. State of Karnataka, represented by State Public Prosecutor 2020 SCC OnLine Kar 1363</b> Date of order: August 20, 2020	The fact that the testimony of the child victim and her father did not support the case of the prosecution was the ground considered while <b>granting</b> bail to the accused person. The FIR was registered u/s 376/354/366 IPC and 4/6 POCSO Act.	7
24	<b>Sharath v. State of Karnataka, represented by State Public Prosecutor 2022 SCC OnLine Kar 111</b> Date of order: January 12, 2022	The fact that all the co-accused persons were granted bail and that the only allegation against the accused person was that he was assisting in the child victim's kidnapping were the grounds considered by the court while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 376/363/366A IPC, 3/4/6 POCSO Act, 9/10 Prohibition of Child Marriage Act and 11 Child Marriage Restraint Act.	6
25	<b>Basha v. State of Karnataka, Represented by the State Public Prosecutor High Court of Karnataka and Another 2021 SCC OnLine Kar 12125</b> Date of Order: March 31, 2021	The fact that the investigation was complete, the chargesheet was filed and there was no risk of prejudice to the prosecution's case due to the accused person's behaviour, were the grounds considered by the court while <b>granting</b> bail to the accused person. The FIR was registered u/s 448/323/504/506/34 IPC and 12 POCSO Act.	5
26	<b>Norrulla Khan v. State of Karnataka by Basavanagudi Women Police Station, represented by Govt. SPP 2021 SCC OnLine Kar 12551</b> Date of Order: May 25, 2021	The fact that there is a serious doubt on whether the age documents provided for the child victim establishes her minority, and that the accused person was a youngster who was married to the child victim under the pretext given by her family that she was a major were the grounds considered while <b>granting</b> bail to the accused person. The FIR was registered u/s 376/504/323 IPC, 6/8/11/12 POCSO Act and u/s 9/10/11 Prohibition of Child Marriage Act.	6

No.	Case	Grounds	Paras
27	<b>Chikkannaiah v. State, rep by State Public Prosecutor 2020 SCC OnLine Kar 847</b> Date of Order: June 22, 2020	The fact that the accused was a young man of 23 years, doubts regarding the minority of the victim coupled with doubts regarding the version of abduction and rape, and judicial custody of over an year during the covid-19 pandemic, were the grounds considered while <b>granting</b> regular bail to the accused person. The FIR was registered u/s 363/366A/376 IPC and 4/6 POCSO Act.	5
28	<b>Ayesha Chudri v. State of Karnataka, Rep. by Government Pleader 2020 SCC OnLine Kar 1755</b> Date of Order: September 22, 2020	The fact that the co-accused had been granted bail and the allegations against the accused person being the same as her co-accused was the ground considered while <b>granting</b> bail to the accused person. The FIR was registered u/s 370 IPC, 3/4/5/6/7 Immoral Traffic Prevention Act and 4/6 POCSO Act.	3
29	<b>Prakasha v. State of Karnataka 2020 SCC OnLine Kar 816</b> Date of Order: June 19, 2020	The fact that the child victim in her statement u/s 164 CrPC had admitted to a consensual relationship with the accused and expressed no grievance against him, the fact that there was mutual understanding between them, that the investigation had been completed and the final report was filed, that the accused was in judicial custody for the last 8 months, and that the trial had not yet commenced were the grounds considered while <b>granting</b> bail to the accused person. The FIR was registered u/s 363/354D/366/376/342 IPC, 9 Prohibition of Child Marriage Act, 6/12 POCSO Act and 3(1)(w)(i)(ii)/3(2)(va) SC/ST Prevention of Atrocities Act.	

## Regular Bail - Rejected

No.	Case	Grounds	Paras
30	<b>Lakshmipathi v. State of Karnataka and Another 2024 SCC OnLine Kar 5347</b> Date of Order: July 1, 2024	The fact that the offence was of serious nature, available prima facie materials against the accused person, the extent of injuries on the child victim (resulting in her death) and the presence of criminal antecedents of the accused person were the grounds considered while <b>rejecting</b> regular bail of the accused person. The child victim was married to the accused person. The FIR was registered u/s 302/376(2)(i)(n)/498A/34 IPC, 6 POCSO, 9/10/11 Prohibition of Child Marriage (Karnataka Amendment) Act, 2016.	5 and 8

No.	Case	Grounds	Paras
31	<b>Mahesh v. State of Karnataka (through Gangavathi Rural P.S.), represented by its State Public Prosecutor, High Court of Karnataka and Another 2024 SCC OnLine Kar 2017</b> Date of Order: July 12, 2024	The fact that the accused person trespassed the child victim's house to commit the offence, that there was a real threat to the life of the child victim and that the Court considered the accused person's act inhumane and unpardonable were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 354D/506/504 IPC and 8/12 POCSO Act.	6
32	<b>Santhosh v. State of Karnataka, by Shrvanabelagola PS, rep. by State Public Prosecutor and Another 2022 SCC OnLine Kar 477</b> Date of Order: February 15, 2022	The fact that the accused person had the knowledge regarding the age of the child victim, the age gap between the child victim and the accused person and the legislative intent of the POCSO Act in protecting children against sexual offences were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 376(2)(i)(n) IPC, 6 POCSO and 9/10/11 Prohibition of Child Marriage Act.	6
33	<b>M. Ravi Kumar v. State of Karnataka, represented by Sub-Inspector of Police, represented by State Public Prosecutor 2020 SCC OnLine Kar 1431</b> Date of Order: August 27, 2020	The fact that the deposition of the child victim and her mother strengthened the prosecution's case, the age of the child victim (6 years), nature and gravity of the offence and the lack of a fresh ground for bail since dismissal of his previous bail application were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 376AB IPC and 5/6/8/POCSO Act.	6
34	<b>Adhipati v. State through Lingasugur Police Station represented by SPP High Court 2020 SCC OnLine Kar 2850</b> Date of Order: September 2, 2020	The fact that there was high probability of the accused person harming the child victim, tampering with witnesses and absconding if released, coupled with the severity of the allegations of aggravated penetrative sexual assault and the prescribed punishment were the grounds considered while <b>rejecting</b> regular bail of the accused person. The FIR was registered u/s 143/147/366A/109/506/149 IPC. After the investigation Chargesheet was filed u/s 366A/376/506 IPC and 4/6/8 POCSO Act.	6-11
35	<b>Nanjunda v. State of Karnataka, Rep by State Public Prosecutor and Another 2020 SCC OnLine Kar 279</b> Date of Order: January 23, 2020	The fact that the child victim was not examined and could be harmed were the grounds considered while <b>rejecting</b> regular bail to the accused person. The FIR was registered u/s 366A/201/376 IPC, 4/6 POCSO Act and 3(2)(va) SC/ST Prevention of Atrocities Act.	3

No.	Case	Grounds	Paras
36	<b>Raviraj v. State of Karnataka R/by Addl. SPP Kalaburagi 2020 SCC OnLine Kar 356</b> Date of Order: February 7, 2020	The fact that the accused person is the father of the child victim and has a position of authority over her thus increasing the probability of witness tampering was the ground considered while <b>rejecting</b> bail to the accused person. The FIR was registered u/s 376AB/506 IPC and 6 POCSO Act.	6-8
37	<b>Prashanth Kumar v. State, by Station House officer, represented by State Public Prosecutor 2022 SCC OnLine Kar 247</b> Date of Order: January 13, 2022	The statement of the victim u/s 164 CrPC, the medical evidence, the fact that the trial had commenced and POCSO Act provisions were invoked were the grounds considered while <b>rejecting</b> regular bail to the accused person. The FIR was registered u/s 376/363 IPC and 6 POCSO Act.	4 and 5
38	<b>Baira v. State of Karnataka, by Nelamangala Rural Police Station, rep. by its Public Prosecutor and Another 2022 SCC OnLine Kar 394</b> Date of Order: January 21, 2022	The fact that the child victim was legally unable to give consent to marriage and sexual acts was the ground considered while <b>rejecting</b> regular bail to the accused person despite the claim made by the child victim in her statement u/s 164 CrPC that they were in love and she gave birth to a child as a result of the sexual act. The FIR was registered u/s 376(2)(n)/376(3)/354D/114 IPC, 6/12/17 POCSO Act and 9/10 Prohibition of Child Marriage Act.	6
39	<b>Beeresh T. v. State of Karnataka, represented by the State Public Prosecutor and Another 2021 SCC OnLine Kar 12629</b> Date of order: June 8, 2021	The fact that the offence was of grievous and heinous nature, the adverse impact on the society were the grounds considered while <b>rejecting</b> bail to the accused person. The FIR was registered u/s 363 IPC. After the investigation offences u/s 376 IPC, 6 POCSO Act and 3(1)(w)/3(2)(va)/3(2)(v) SC/ST (Prevention of Atrocities) Act were added.	10-12
40	<b>C. Manjunath v. State of Karnataka, Rep. by the State Public Prosecutor and Another 2023 SCC OnLine Kar 21</b> Date of Order: May 11, 2023	The fact that the accused person was the teacher of the child victims and the lack of motive for filing a false case against the teacher were the grounds considered while <b>rejecting</b> bail to the accused person. The FIR was registered u/s 8 and 12 POCSO Act.	10,11 and 13

No.	Case	Grounds	Paras
41	<b>Praveena v. State of Karnataka, rep. by State Public Prosecutor and Another 2022 SCC OnLine Kar 259</b> Date of Order: January 13, 2022	The fact that the child victim became pregnant along with the available medical evidence were the grounds considered while <b>rejecting</b> bail to the accused person. The FIR was registered u/s 376 IPC and 4/6 POCSO Act.	6
42	<b>Roopa v. State of Karnataka, by Kengeri Police Station, rep. by State Public Prosecutor 2022 SCC OnLine Kar 427</b> Date of Order: February 11, 2022	The fact that the accused person was running a brothel where she was commercially sexually exploiting the child victim, coupled with the fact that there were specific allegations against the accused person of taking money from the co-accused were the grounds considered while <b>rejecting</b> regular bail to the accused person. The FIR was registered u/s 3/4/5/6 Immoral Traffic Prevention Act, 4/6 POCSO Act and 370/376 IPC.	6 and 7
43	<b>Arvind Kumar K.S. v. State of Karnataka, Represented by State Public Prosecutor 2020 SCC OnLine Kar 1470</b> Date of Order: September 1, 2020	The Court found that the delay in recording of evidence u/s 35 POCSO Act is not the fault of the prosecution or the trial court, and the fact that the accused person has spent two years in custody was insufficient ground as the offence of penetrative sexual assault u/s 6 POCSO Act. These were the grounds considered while <b>rejecting</b> regular bail to the accused person. The FIR was registered u/s 363/366/366A/344/376 IPC and 4/6/16 POCSO Act.	13, 14 and 15.
44	<b>Santosh v. State of Karnataka, by Subramanyapura Police, represented by State Public Prosecutor 2022 SCC OnLine Kar 679</b> Date of Order: March 31, 2022	The fact that consent of a child victim is irrelevant, the lack of sufficient evidence to refute the prosecution's case, and the presumption of culpability u/s 29 and 30 POCSO Act were the grounds considered by the court while <b>rejecting</b> regular bail to the accused person. The FIR was registered u/s 363/376 IPC and 3/4 POCSO Act.	9
45	<b>Ajmal v. State of Karnataka and Another 2023 SCC OnLine Kar 126</b> Date of Order: January 16, 2023	The fact that the testimony of the child victim was consistent and supported the case of the prosecution, and the heinous offence of penetrative sexual assault committed by the accused person along with another co-accused for a period of 5 months causing threat to the victim, were the grounds considered while <b>rejecting</b> regular bail of the accused person, despite the fact that she had filed one more complaint against the other accused person. The FIR was registered u/s 376D/506/34 IPC and 4/5/6 POCSO Act.	11-14

No.	Case	Grounds	Paras
46	<b>Shivaling Swamy v. State of Karnataka, Criminal Petition No. 200621/2020</b> Date of Order: September 18, 2020	The fact that the child victim was 17 years old and the allegations of aggravated penetrative sexual assault and sexual harassment u/s 6 and 12 POCSO Act respectively were the grounds considered while <b>rejecting</b> regular bail of the accused person. The Court held that the birth certificate of the child victim would find merit over the fact that the child victim was in the first year of B.Sc. The FIR was registered u/s 366A IPC and 12 POCSO Act. After the investigation charges u/s 366/370(4)/376(2)(n) IPC and 6 POCSO were added.	4-10
47	<b>Krishna R v. State of Karnataka 2020 SCC OnLine Kar 5151</b> Date of Order: June 17, 2020	The fact that the child victim was 16 years, clear allegations of sexual assault in the statement u/s 164 CrPC, and <i>prima facie</i> evidence (through medical reports) of recent sexual intercourse were the grounds considered while <b>rejecting</b> the bail of the accused person. The Court further stressed that the benefit of 'presumption of innocence' is not available to the accused person in cases of sexual assault in POCSO cases as the 'presumption of guilt' u/s 29 POCSO Act comes into operation. The FIR was registered u/s 363/366/376 IPC and 5/6 POCSO Act.	8 - 11

## Cancellation of Bail - Cancelled

No.	Case	Grounds	Paras
48	<b>Irayya v. Ramesh and Ors. Criminal Petition No. 101136/2022</b> Date of Order: June 22, 2022	The fact that the trial judge hurriedly granted bail even before completion of investigation within the period of first remand of 14 days, the fact that there was tampering and threatening of witnesses after getting released on bail, and the allegations of penetrative sexual assault by the child victim against the accused person who was her paternal uncle were the grounds considered while <b>cancelling the bail</b> of the accused person. The FIR was registered u/s 363/354B/354C/354D/342/376/506 IPC and 4/6 POCSO Act.	8-13
49	<b>The State of Karnataka v. Siddaraju Criminal Petition No. 9650/2021</b> Date of Order: March 8, 2022	The fact that the statement of the child victim provided prima facie evidence, seriousness of the allegations of kidnapping of minor and aggravated penetrative sexual assault, circumstances under which the offence was committed along with the fact that the Trial Court failed to consider the 'presumption of guilt' u/s 29 and 30 POCSO Act and thus exercised improper discretion despite the gravity of the crime were the grounds considered while <b>cancelling the bail</b> of the accused person. The FIR was registered u/s 363/34 IPC and 12 POCSO Act. After the investigation charges u/s 376/34 IPC and 4/6/8 POCSO Act were added.	13-18

No.	Case	Grounds	Paras
50	<b>Informant v. State of Karnataka, by Maddur Police and Another 2023 SCC OnLine Kar 69</b> Date of Order: October 11, 2023	Denial of the child victim's right to be heard in a POCSO case by not serving her notice was a ground considered while <b>cancelling the bail</b> of the accused person. Directions were issued for upholding the right of the child victim to be heard in different types of bail cases. The FIR was registered u/s 354D/376(3)/376(2)(n)/450/366/506/420 IPC and 4/6/12 POCSO Act.	15-17 (Directions issued by Court) and 18-19

## Cancellation of Bail - Not Cancelled

No.	Case	Grounds	Paras
51	<b>Bharati v. Pundalik and Ors. Criminal Petition No. 100779/2019</b> Date of Order: June 8, 2020	The fact that the Trial Court order was not perverse and did not suffer from any infirmities causing any miscarriage of justice, and that there was no evidence that the accused person made any attempt to harm the child victim's life were the grounds considered while <b>rejecting the cancellation of the bail</b> of the accused person. The Court reiterated the settled principle of law that bail should not be cancelled unless a cogent case based on a supervening event has been made out. The case involved allegations u/s 376/420/506 IPC and 4/6 POCSO Act.	8-13
52	<b>State of Karnataka, represented by Rural Police Station, represented by The State Public Prosecutor v. Rangaswamy 2022 SCC OnLine Kar 1079</b> Date of Order: April 22, 2022	The fact that the trial had begun and 10 witnesses had been examined, that no conditions of bail were violated by the accused person and the affidavit by the accused person undertaking to cooperate with the trial and comply with the conditions of the bail were the grounds considered while <b>rejecting the cancellation of bail</b> of the accused person. The FIR was registered u/s 366/506/376 IPC and 4/6/8 POCSO Act.	4

## Other

No.	Case	Grounds	Paras
53	<b>M.M. Bajid v. State of Karnataka 2020 SCC OnLine Kar 3889</b> Date of Order: October 19, 2020	The fact that the accused person had already filed another bail application was the reason for <b>dismissing the petition</b> . The FIR was registered u/s 370/372/363/376/34 IPC, 6 POCSO Act and 14AB Foreigners Act.	1

No.	Case	Grounds	Paras
53	<b>Bibi Ayesha Khanum and Others v. Union of India, Ministry of Law and Justice and Others 2022 SCC OnLine Kar 1641</b> Date of Order: February 23, 2022	Directions were issued to ensure that for any application of bail filed by the accused person, the Investigation Officer (IO) or the Special Juvenile Police Unit (SJPU) shall inform the child victim's parents/caregiver/guardian as also the legal counsel if appointed. The Court also directed that the accused person or his counsel shall serve a copy of the bail application on child victim's parents/caregiver/guardian as also the legal counsel if appointed. The accused person must also ensure that notice is issued to the IO, SJPU, the public prosecutor and any child victim's counsel, if appointed.	14-16 and 17-17.11 (Directions by the Court)
54	<b>Hanumantha Mogaveera v. State of Karnataka by Women Police Station ILR 2021 KAR 3469</b> Date of Order: April 23, 2021	The Court held that the object and purpose of Section 35 of the POCSO Act is to ensure that the victim child is secured from the trauma of the trial and be rehabilitated and reintegrated into the society at the earliest. This provision cannot be interpreted in favour of the accused person and he cannot enforce the right to be released on bail where the trial could not be completed within the time stipulated in S. 35 POCSO Act. Further, the Court issued directions to the state government for setting up of special courts with requisite infrastructure for disposal of the cases under the POCSO Act.	23, 24, 38, 39 42-44, 49, 59 -61 Decision of Bail - 50
55	<b>Mallikarjun v. State of Karnataka 2020 SCC OnLine Kar 3629</b> Date of Order: November 17, 2020	The non-appearance of the accused person's counsel on 5 consecutive dates was considered a ground to <b>dismiss the petition u/s 439 CrPC</b> for want of prosecution. The FIR was registered u/s 363/343/376 IPC and 5/6 POCSO Act.	1, 2, 3
56	<b>Basappa Alias Basavaraj v. State of Karnataka 2020 SCC OnLine Kar 5106</b> Date of Order: August 25, 2020	The application for suspension of sentence and grant of bail became infructuous due to confirmation of conviction of the accused person subsequent to the appeal and hence the petition was <b>dismissed</b> . The accused person was convicted u/s 5(m) read with 6 POCSO Act.	45
57	<b>Mahadevu @ Pappi v. State of Karnataka ILR 2020 KAR 4569</b> Date of Order: July 21, 2020	The bail bond was discharged as the accused person was acquitted of all charges (u/s 354A/376(2)IPC and 4 POCSO Act). Hence, he was set at liberty forthwith.	50

## Annexure A: Relevant Sections to Bail in POCSO Cases

Topic	Relevant Sections	
	CrPC	BNSS
<u>Definition of 'Bail'</u>	-	2(b)
<u>Definition of a 'Bailable Offense'</u>	2(a)	2(c)
<u>Definition of 'Bail Bond'</u>	-	2(d)
<u>Definition of 'Bond'</u>	-	2(e)
<u>Regular Bail</u>	436 (bailable)	478
	437 (non-bailable)	480
<u>Interim Bail</u>	Granted by the Court based on a review of surrounding circumstances. The application is under regular bail (436-437) or anticipatory bail (438)	Granted by the Court based on a review of surrounding circumstances. The application is under regular bail (478 and 480) or anticipatory bail (482)
<u>Anticipatory Bail</u>	438	482
<u>Cancellation of Bail</u>	437(5), 439(2), and 446-A	480(5), 483(3) and 492
<u>Reduction of Bail</u>	440(2)	484
<u>Appeals to orders of Cancellation</u>	449	495
<u>Powers of the High Court</u>	439	483

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