



2026:DHC:3851



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

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Judgment reserved on: 27.04.2026

Judgment pronounced on: 05.05.2026

Judgment uploaded on: 08.05.2026

+ **BAIL APPLN. 1010/2026**

VISHWAS PATIL

.....Petitioner

Through: Mr. Monesh Kumar Sharma &
Mr. Vikrant Dabas, Advocates

versus

STATE OF GNCTD

.....Respondent

Through: Mr. Naresh Kumar Chahar,
APP for the State.
Ms. Sanya Kumar, Mr. Harsh
Jain, Mr. Chiranjeev Singh,
Advocates for the victim.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

DR. SWARANA KANTA SHARMA, J

1. The applicant, by way of the present application, seeks grant of regular bail in case arising out of FIR bearing no. 47/2026, registered at Police Station Saket, Delhi, for the commission of offences punishable under Sections 376/354/506 of the Indian Penal Code, 1860 [hereafter 'IPC'], Section 75 of the Bharatiya Nyaya Sanhita, 2023 [hereafter 'BNS'] and Sections 6/12 of the Protection of



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Children from Sexual Offences Act, 2012 [hereafter '*POCSO Act*'].

2. The prosecution case, in brief, is that on 26.01.2026, a PCR call *vide* DD No. 50A had been received at P.S. Saket regarding allegations of sexual abuse made by the minor victim 'A', aged about 17 years, daughter of Ms. 'V', against her father, i.e. present applicant. Pursuant thereto, inquiry had been initiated, during which the Investigating Officer (I.O.), SI Sonam, recorded the statement of the child at an NGO. In her statement, the victim 'A' stated that when she was about 6 years of age, her father had initiated inappropriate physical contact with her, misrepresenting the same as a normal game between a father and daughter. She alleged that he used to touch her private parts, including her thighs, breasts, and vagina, and would kiss her on the lips, mostly during nighttime. According to her, such conduct had continued for about one year. She further alleged that on the occasion of her 7th birthday, her father had inserted his fingers into her private parts, due to which she had frozen and was unable to react. She stated that similar acts had continued intermittently till she was studying in 6th standard, despite her mother often being present nearby. She also stated that at a young age, she had been threatened by her father that disclosure of such incidents would result in harm to her mother and family. The victim further stated that during her 6th standard, on one occasion when her mother was away, her father had forcefully dragged her to the bedroom and committed penetrative sexual assault upon her against her will, which, according to her, had



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lasted for a considerable duration. She alleged that a similar incident had occurred once again around December of the same year. She further stated that thereafter, the accused had taken steps to clean any evidence and had instructed her regarding the use and disposal of sanitary pads. It was further stated that the frequency of such acts had reduced thereafter due to family disputes, though non-penetrative acts had allegedly continued. The victim stated that she had remained silent due to fear. She further stated that during her 6th standard, she had started engaging in self-harm. She stated that her father had been removed from the household at the beginning of her 8th standard due to marital disputes. However, according to her, he had resumed visiting the house during her 10th standard after her mental health issues had come to light. She had subsequently been diagnosed with Dissociative Identity Disorder (DID) and Post-Traumatic Stress Disorder (PTSD). Despite medical advice restricting contact, she alleged that her father had continued to approach her. She further alleged that during her 11th standard, on one occasion, he had attempted to force himself upon her, due to which she had resorted to self-harm to escape. The victim further alleged that on 25.01.2026, her father had entered her bedroom despite therapeutic restrictions. On 26.01.2026, when her mother was away, the accused had allegedly come to her room in a naked condition, attempted to grab and kiss her, upon which she had barricaded herself and remained in a state of panic until her mother returned. She stated that, due to



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distress, she had attempted to escape and had thereafter approached the police, where her medical reports were obtained.

3. On the basis of the aforesaid complaint, after preliminary inquiry, the present FIR had been registered on 04.02.2026, and investigation was taken up. The statement of the victim had thereafter been recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [hereafter '*BNSS*'] before the learned Magistrate, wherein she reiterated the allegations made in her complaint. The victim was medically examined at Pt. Madan Mohan Malviya Hospital *vide* MLC No. M28001632601278 dated 05.02.2026. The present accused/applicant was then arrested during the course of investigation on 12.02.2026, and his medical examination was conducted at AIIMS Hospital, New Delhi. He was remanded to judicial custody *vide* order dated 12.02.2026.

4. The learned counsel appearing for the applicant argues that the applicant is innocent and has been falsely implicated in the present case due to strained matrimonial relations and long-standing disputes between him and the victim's mother, and that the present proceedings are an outcome of such discord. It is further contended that the allegations in the FIR relate to incidents said to have started more than eleven years prior to its registration, and that such delay in lodging the complaint, without a clear and satisfactory explanation for the entire period, creates doubt, at least at the stage of consideration of bail. The learned counsel further submits that the



victim had been undergoing psychiatric treatment and had been diagnosed with Dissociative Identity Disorder, and that the allegations came to light gradually during therapy sessions. It is argued that, without questioning the victim, such statements would require careful examination of medical and oral evidence during trial, and should not be the sole basis for continued custody of the applicant at this stage. It is also contended that the alleged incidents are alleged to have taken place when the victim's mother was present in the same house, yet no complaint was made for several years, which raises doubt regarding the prosecution case. It is also argued that the applicant was arrested without being furnished proper written grounds of arrest as required under Article 22(1) of the Constitution of India and Section 47 of the BNSS, and that the remand order dated 12.02.2026 is cryptic and does not reflect proper judicial reasoning. Thus, it is prayed that the applicant be granted regular bail.

5. On the other hand, the learned APP for the State, who is assisted by the learned counsel for the victim, opposes the bail application and submits that the applicant, being the biological father of the victim, has subjected her to prolonged sexual abuse since childhood, including acts amounting to aggravated penetrative sexual assault. It is further argued that the victim has made specific and consistent allegations, which are supported by her statement recorded under Section 183 of the BNSS, and that her psychological condition is in line with a history of sustained abuse. The learned APP submits



that the delay in reporting the incident stands explained in view of the threats extended by the applicant, as well as the tender age and vulnerability of the victim, and therefore such delay cannot be a ground to doubt the prosecution case at this stage. It is also contended that the diagnosis of Dissociative Identity Disorder does not make the victim's allegations unreliable, particularly when prolonged abuse itself may lead to such psychological trauma, and that the truthfulness of her statements will be examined during trial. It is further contended that the material on record *prima facie* discloses the commission of offences under Section 6 of the POCSO Act, and the gravity of the offence is further aggravated by the breach of trust in a parent-child relationship. It is also submitted that the plea of false implication on account of matrimonial discord is without merit, especially since the divorce between the parents had already been finalized prior to the filing of the complaint. It is stated that the investigation is still at an initial stage. In view of the serious nature of the allegations, the material on record, and the possibility of the applicant influencing witnesses or evading the process of law, it is prayed that the present bail application be dismissed.

6. This Court has **heard** arguments addressed on behalf of learned counsel for the applicant and learned APP for the state and has perused the material available on record.

7. In the present case, this Court notes that the applicant is the biological father of the victim. As per the FIR, the victim has alleged



that the applicant had subjected her to repeated acts of sexual abuse since she was about six years of age, initially under the pretext of normal interaction between a father and daughter. The allegations include inappropriate touching and, thereafter, acts amounting to penetrative sexual assault, along with threats to prevent disclosure. It is further alleged that such acts continued over a period of time, even when the mother was present in the house, and that the applicant had also taken steps to conceal evidence. The victim has stated that, due to fear and the prevailing family circumstances, she remained silent for a considerable period, despite suffering psychological trauma, including self-harm, and was later diagnosed with PTSD and DID. It is also alleged that despite medical advice to maintain distance, the applicant continued to approach her and had attempted to assault her again on a later occasion. The most recent incident is alleged to have occurred on 26.01.2026, after which the present complaint was lodged.

8. The record indicates that the allegations pertain to acts alleged to have commenced when the victim was about six years of age, i.e., several years prior to the registration of the FIR. Though such delay may appear significant at first instance, the same cannot be viewed in isolation. Furthermore, the submission that the allegations relate only to incidents of the distant past is not borne out from the record. This Court notes that *prima facie*, the allegations disclose a continuing course of conduct over the years and not a single incident alone. It is



also a relevant circumstance that the applicant is the biological father of the victim, who, at the relevant time, was a child of tender age and under his influence and control.

9. The allegations against the applicant are that the victim had been subjected to threats by him, which prevented her from disclosing the incidents on any earlier occasion. In such circumstances, the silence of the victim over a prolonged period cannot be termed unnatural or treated as a circumstance to doubt her version, at this stage. In this Court's view, the same appears to be a consequence of fear, psychological trauma, and her vulnerability as a minor, particularly when the allegations are against her own father, who was in a position of dominance and control.

10. Further, the contention of the learned counsel for the applicant that the victim is suffering from Dissociative Identity Disorder and, therefore, her allegations are unreliable, does not persuade this Court at this stage for granting bail to the applicant. The medical literature and other material available on record indicates that such conditions may be associated with prolonged trauma. *Prima facie*, therefore, this cannot be treated as a ground to discredit the allegations; rather, it may provide some context to the victim's version. In any case, the evidentiary value of such material is a matter of trial. At the stage of bail, this Court refrains from making any conclusive observation on the mental health condition of the victim.

11. Thus, in the present case, the victim has given a detailed and



consistent account of the incidents, describing the manner in which they are stated to have occurred over a period of time. The plea that the allegations are motivated by matrimonial discord between the parents also does not merit acceptance at this stage, particularly when the victim has supported the prosecution case, including in her statement under Section 183 of BNSS. At this stage, there is no reason to *prima facie* disbelieve her version, and it cannot be rejected merely for want of independent corroboration or on account of prior family disputes.

12. As regards the contention that the applicant was not informed of the grounds of arrest or that his family members were not informed, this Court finds no merit in the same. The learned Trial Court has rightly observed that it is for the applicant to indicate the person whom he wishes to be informed of his arrest. In the present case, the applicant is stated to have opted to inform his counsel, which appears to have been duly complied with by the I.O., and there is no material to show any delay in this regard. It is also noted that learned counsel for the applicant was present at the time of his production for judicial custody remand. Further, the learned Trial Court has recorded that the applicant acknowledged having been informed of the grounds of arrest and having received a copy thereof, thereby *prima facie* indicating compliance with Section 47 of the BNSS and Article 22(1) of the Constitution of India.

13. Accordingly, having regard to the nature and seriousness of the



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allegations, the relationship between the applicant and the victim, the material placed on record, and the stage of the proceedings, this Court is not inclined to grant bail to the applicant at this stage. The possibility of the applicant influencing or intimidating the victim or other witnesses, in the given factual background, also cannot be ruled out.

14. The bail application is, therefore, dismissed.

15. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on the merit of the case.

16. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

**MAY 05, 2026/
GJ/AP**