

The Delhi High Court held in the present case of **AK vs. State Govt of Nct of Delhi And Anr, BAIL APPLN. 2729/2022** that the Protection of Children from Sexual Offenses Act,2012 (POCSO) is intended to protect children under the age of 18 from sexual exploitation and the romantic relationship that are consensual among young people were never intended to criminalized, A single judge bench of Justice Jasmeet Singh, listed widespread penetrated sexual assault (Section 6) and abetting an offence (Section 17) under POSCO Act; kidnapping (Section 363) and rape (Section 376) under Indian Penal Code,1860.

According to facts, on June 30, 2021, a 17-year-old girl married a man, but she didn't want to be with him. October 2021. She went to Punjab where she the accused. Her father filed a FIR against the accused, defendant. The girl had previously approached Punjab Haryana High Court seeking protection from her parents. The defendant has been in custody since December 31, 2021. The High Court of Punjab and Haryana had ordered the couple to be given proper police protection.

The High Court subsequently ruled that this was not a case of the girl being "forced into an affair" with the defendant. In fact, she herself went to the defendant's house and asked him to marry her. Justice Singh said POCSO's intent was to protect children under the age of 18 from sexual exploitation. It is not intended to criminalize romantic relationships that is consented by young adults. However, this can be seen from the facts and circumstances of each individual case. Sexual assault survivors may be forced to settle under pressure and trauma in some cases. To ignore the victim's testimony and plaguing the defendant in prison in this case is tantamount to bending the law. The court also noted that it was aware that his previous proceedings were about granting bail and not about nullifying the FIR. Also , the this is not a case where the defendants part would be assumed crystal clear.

The Court referred to the case of **Dharmender Singh vs. State (Govt. of NCT),BAIL APPL. 1559/2020** in which bail was granted to the defendant in light of the possible mutual physical relationship between the defendant and the minor victim. It also defines the parameters to follow when considering bail under POSCO Act. Therefore, the judge awarded the accused man bail along with a personal and surety bond of Rs.10,000/- each and dismissed the application.