Judiciary Reducing Punishments for Rape Accused for Silly Reasons

On 20 June 2025, the Orissa High Court commuted Sk. Asif Alli's death sentence **for the 2014 rape and murder of a six-year-old girl to life imprisonment,** citing his **daily namaz and readiness to accept punishment as signs of remorse and potential for reform.** The court upheld his conviction but found life imprisonment sufficient in light of mitigating factors, including spiritual repentance and family circumstances.

This report compiles **15 incidents from (2013-2025)**, several Indian courts reduced punishments or granted bail to minor rape accused, often citing factors like mutual affection, the accused's age etc.

S.No	Incidents	Visual & Source
1.	**Orissa High Court Grants Bail to Minor Accused of Rape in POCSO Case** **Court Name:** Orissa High Court **Judges Bench:** Justice Gourishankar Satapathy **Date:** 02 July 2025 **Name of Accused:** Omm Prakash Nayak ❖ The Orissa High Court granted bail to a minor accused of rape under the POCSO Act, setting aside earlier denials by the Juvenile Justice Board and Children's Court. ❖ The court cited the positive Social Investigation Report reflecting the accused's repentance and good conduct, and emphasized that "bail to a child in conflict with law is the rule, and detention the exception." Bail was granted with conditions, including that the accused not contact the victim or visit her residence	 The New Indian Express Times of India
2.	**Chhattisgarh High Court Reduces Life Sentence to 20 Years for Father Convicted of Raping Minor Daughter** **Court Name:** Chhattisgarh High Court **Judges Bench:** Justice Rajani Dubey and Justice Sachin Singh Rajput **Date:** 30 June 2025 **Name of Accused:** Name not disclosed ❖ The Chhattisgarh High Court upheld the conviction of a man for raping his minor daughter but reduced his sentence from life imprisonment to 20 years of rigorous imprisonment. The court found the victim's testimony consistent and reliable, noting that minor discrepancies were immaterial. ❖ While acknowledging the delay in reporting the incident, the bench emphasized that such delays are common in sexual assault cases involving minors. ❖ The court concluded that the original life sentence was excessively harsh in the circumstances and imposed a 20-year term instead, maintaining the conviction and fine.	 Times of India
3.	**Orissa High Court Commutes Death Sentence of Child Rapist-Murderer, that he Cites Daily Namaz as Sign of Repentance**	

	Court Name: Orissa High Court **Judges Bench:** Justice S.K. Sahoo and Justice R.K. Pattanaik **Date:** 20 June 2025 **Name of Accused:** Sk. Asif Alli Md. Asif Iqbal Sk Asif Ali (37) along with Sk Akil Ali (38) ❖ The Orissa High Court commuted the death sentence of Sk. Asif Alli, convicted for the 2014 rape and murder of a 6-year-old girl, to life imprisonment, **noting his daily offering of namaz in jail as a sign of spiritual repentance.** ❖ While upholding his conviction under sections 302/376-A IPC and section 6 of the POCSO Act, the court held that life imprisonment would suffice, stating that capital punishment was not the only option in light of mitigating factors like remorse and religious devotion.	 Law Beat The New Indian Express
4.	**Delhi High Court Grants Anticipatory Bail to Man Accused of Sexually Assaulting Minor, Citing Discrepancies in Statements** **Court Name:** Delhi High Court **Judges Bench:** Justice Ravinder Dudeja **Date:** 24 May 2025 **Name of Accused:** Name not disclosed ❖ The Delhi High Court granted anticipatory bail to a man accused of sexually assaulting a 10-year-old girl, noting conflicting statements by the minor and a lack of supporting forensic evidence. ❖ The court observed that the girl initially accused her father, later implicating the petitioner, and that no male DNA was found in forensic analysis. The accused's cooperation with the investigation was also considered in granting bail, with conditions barring contact with the victim.	 Deccan Herald
5.	**Supreme Court Criticizes Allahabad High Court for 'She Invited Trouble' Remark in Rape Bail Order** **Court Name:** Supreme Court of India **Judges Bench:** Justices B.R. Gavai and A.G. Masih **Date:** 15 April, 2025 **Name of Accused:** Name not disclosed ❖ The Supreme Court strongly reprimanded the Allahabad High Court for its "objectionable" remarks in rape-related bail orders, particularly the comment that the rape survivor "herself invited trouble." The top court expressed concern over such insensitive observations by judges in sensitive cases, emphasizing the need for judicial caution. ❖ The Supreme Court took suo moto cognizance of a controversial Allahabad High Court order that downplayed certain acts of sexual assault as not amounting to rape and paused that order.	 India Today

6.	**Bombay High Court Grants Bail to 20-Year-Old Accused of Sexually Assaulting Minor, Emphasizes Reform Over Punishment** **Court Name:** Bombay High Court **Judges Bench:** Justice Milind Jadhav **Date:** 12 February, 2025 **Name of Accused:** Name not disclosed ❖ The Bombay High Court granted bail to a 20-year-old accused of sexually assaulting his 14-year-old cousin, highlighting the need for a reformative approach for young offenders. ❖ The court cited contradictions in the victim's statements, her prolonged silence, and her later request for unconditional bail. Stressing rehabilitation over incarceration, the court found a second chance appropriate given the accused's age.	 India Today
7.	**"Involvement Very Much Minimal": Kerala Court Grants Bail to Three in Minor Girl Rape Case** **Court Name:** Special POCSO Court, Kalpetta, Wayanad (Kerala) **Judges Bench:** Special POCSO Judge **Date:** 13 November 2022 **Name of Accused:** Jibin Jose, Rahib E., Muhammad Anas ❖ Kerala POCSO court granted bail to three accused in the rape case of a 16-year-old girl near a church, **noting their "minimal" involvement.** ❖ The judge observed that while Jibin Jose drove the prime accused and survivor in an auto-rickshaw, Rahib E. and Muhammad Anas merely provided a car. ❖ The court acknowledged the prosecution's consent for bail under strict conditions and ruled that custodial interrogation was no longer needed. The accused were directed not to contact or intimidate the survivor, who had raised safety concerns over their release.	 Law Beat
8.	**Bombay High Court Grants Bail to Man in Minor's Rape Case, Citing Poverty and Family Intentions** **Court Name:** Bombay High Court, Aurangabad Bench **Judges Bench:** Justice Sanjay Mehare **Date:** 19 November, 2024 **Name of Accused:** Name not disclosed ❖ The Bombay High Court's Aurangabad bench granted bail to a man accused of raping his 14-year-old cousin, noting the family's poverty and their intention to arrange an early marriage due to severe health issues and social stigma. ❖ The judge considered the family's circumstances and the accused's willingness to marry the girl after she attains legal age, finding leniency appropriate and granting bail with a surety of ₹50,000.	 Sociolegalcorp

9.	**Supreme Court Grants Anticipatory Bail to Actor Siddique in 2016 Rape Case, Citing 8-Year Delay in FIR** **Court Name:** Supreme Court of India **Judges Bench:** Justices Bela M. Trivedi and Satish Chandra Sharma **Date:** 19 November, 2024 **Name of Accused:** Siddique (Malayalam actor) ❖ The Supreme Court granted anticipatory bail to Malayalam actor Siddique in a rape case filed by a female actor, citing the eight-year delay in lodging the FIR as a key factor. The alleged incident occurred in 2016, but the complaint was filed in 2024 after the release of the Justice Hema Committee report on sexual harassment in the Malayalam film industry. ❖ The Court noted the complainant had previously posted about the incident on Facebook in 2018 but did not approach the police or the Hema Committee at that time. Bail was granted with conditions including surrendering Siddique's passport and full cooperation with the investigation, while the Supreme Court emphasized the sensitivity of the matter and refrained from detailed reasoning at this stage.	 Live Mint
10.	**Allahabad High Court Grants Bail to Minor Rape Accused on Condition of Marriage and Financial Support** **Court Name:** Allahabad High Court **Judges Bench:** Justice Krishan Pahal **Date:** 15 October 2024 ❖ The Allahabad High Court granted bail to a man accused of raping a 15-year-old girl after he promised to marry the victim and take care of her newborn baby. ❖ The accused was charged under Sections 376 and 506 of the Indian Penal Code and relevant sections of the POCSO Act, following allegations that he deceived the minor on the pretext of marriage, established a physical relationship, and later refused to marry her. ❖ The accused must marry the victim within three months of release and deposit ₹2,00,000 in a fixed deposit for the child's future within six months.	 Hindustan Times
11.	**Bombay High Court Grants Bail to Man Accused of Raping 13-Year-Old, Citing "Love, Not Lust"** **Court Name:** Bombay High Court, Nagpur Bench **Judges Bench:** Justice Urmila Joshi-Phalke **Date:** 12 January 2024 **Name of Accused:** Nitin Dhaberao ❖ The Nagpur bench of the Bombay High Court granted bail to a 26-year-old man accused of raping a 13-year-old girl, noting that the relationship appeared to be out of "love and attraction"	 Times of India India Today

	rather than "lust." ❖ The court observed that the girl left home willingly, stayed with the accused at multiple locations, and expressed her affection for him. Despite the victim's minor status making her consent legally irrelevant, the court cited the absence of force, the accused's young age, and lack of trial progress as reasons for bail, ordering his release on a bond of ₹25,000	
12.	**MP High Court Grants Bail to Rape Accused Due to Lack of Proof on Survivor's Age** **Court Name:** Madhya Pradesh High Court **Judges Bench:** Justice Vivek Agarwal **Date:** February 7, 2025 **Name of Accused:** Mehandi Hasan ❖ The Madhya Pradesh High Court granted bail to Mehandi Hasan, accused of raping a minor, after finding no reliable evidence to prove the survivor was underage at the time of the alleged incident. ❖ Discrepancies in the survivor's school records and the closure of her school meant her age could not be confirmed. The court noted the absence of a criminal record for the accused and allowed the bail application	 **Times of India**
13.	**Supreme Court Grants Bail to Accused in Minor's Gang Rape Case After Five Years in Custody** **Court Name:** Supreme Court of India **Judges Bench:** Justices A.S. Bopanna and Pamidighantam Sri Narasimha **Date:**12 October 2023 **Name of Accused:** Name not disclosed ❖ The Supreme Court granted bail to an accused in a minor's gang rape case, noting he had spent over five years in custody as an undertrial and the trial was progressing slowly. ❖ The Bombay High Court had earlier denied bail due to the seriousness of the offence, but the Supreme Court found prolonged detention unjustified and ordered release on bail with conditions, emphasizing the need for the accused to participate diligently in the trial.	 **SCC Online**

14.	**Kerala High Court Grants Bail to Father Johnson Mathew in Malankara Church Sexual Abuse Case** **Court Name:** Kerala High Court **Judges Bench:** Justice Raja Vijayaraghavan **Date:**23 July 2018 **Name of Accused:** Johnson V Mathew ❖ The Kerala High Court granted bail to Father Johnson V Mathew, the third accused among four Malankara Orthodox Church priests charged in a sexual abuse case. The prosecution alleged that Mathew threatened the victim with a morphed image and subjected her to sexual assault. ❖ While the prosecution argued the seriousness of the allegations, the court noted there was no evidence of penetrative sexual assault against Mathew. Bail was granted on conditions including a ₹1 lakh bond, regular appearances before investigators, and restrictions on travel and contact with the victim until the final report is filed	 Hindustan Times
15.	**Outrage Over Lenient Punishment for Juvenile in Delhi Gang-Rape Case** **Court Name:** Juvenile Justice Board, New Delhi **Judges Bench:** [Juvenile Justice Board, presiding magistrate not specified] **Date:**08 September, 2013 **Name of Accused:** Name not disclosed ❖ The Juvenile Justice Board sentenced the only minor accused in the 2012 Delhi gang-rape and murder case to three years in a reform home the maximum allowed under the Juvenile Justice Act. The verdict sparked nationwide anger, with many political leaders and citizens demanding harsher punishment for juveniles involved in heinous crimes. ❖ Despite the brutality of the offence, the court emphasized rehabilitation over retribution, as mandated by law. Child rights activists cautioned against changing the law based on a single case, while the government faced calls for reform to allow adult sentencing for juveniles in serious crimes. The juvenile was released after serving his full term in the correctional facility.	**No Image Available** Hindustan Times