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

+ **BAIL APPLN. 1183/2024**

**RAJEEV KUMAR**

.....Petitioner

Through: Mr.Aditya Arora and Ms.Komal,  
Advts. along with the Petitioner in  
Person

versus

**STATE(GNCT) DELHI & ANR.**

.....Respondents

Through: Mr. Aman Usman, APP for the State  
with Mr. Kartikey Nayyar, Mr.  
Harkeerat, Ms. Heena Kaushik, Mr.  
Kirat Mohan Bhattacharya, Mr.  
Hitender, Ms. Kanishka Negi, Ms.  
Ankita Kaushik, Advocates.  
Prosecutrix – in person

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

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**12.09.2024**

1. Petitioner has approached this Court seeking bail in FIR No.545/2023, registered at Police Station Narela for offences under Sections 376/366 IPC and Section 6 of the POCSO Act.
2. Facts of the case reveals that the Prosecutrix is a resident of Bihar and the father of the Prosecutrix got her married to a man in 2020. In her statement under Section 164 Cr.P.C, the Prosecutrix has stated that the man she got married to in 2020 used to abuse her and, therefore, she came back to her maternal home in Bihar. It is stated that in her maternal home she met the Petitioner herein. It is stated that the Prosecutrix and the Petitioner herein

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fell in love and got married in a temple without telling anyone. It is stated that the Prosecutrix eloped with the Petitioner herein and came to Narela where they lived in a rented house along with the parents of the Petitioner herein. It is stated that the father of the Prosecutrix threatened the parents of the Petitioner herein and took the Prosecutrix to Bihar twice but on both the occasions the Prosecutrix came back to the Petitioner herein. It is stated that the second time when the Prosecutrix eloped and came to Delhi she did not find the Petitioner herein and she went to Karnal in his search where she met the Complainant in an Aasharam who took care of her and gave her shelter and lodged the instant FIR. It is stated that the Prosecutrix was pregnant at that point of time and after registration of the FIR she was sent to Nirmal Chhaya, Hari Nagar.

3. Petitioner was arrested on 13.08.2023.
4. Petitioner filed an application seeking bail but the same was rejected by the learned Sessions Judge vide Order dated 12.09.2023.
5. Charge-sheet has been filed on 27.09.2023.
6. After filing of the charge-sheet, the Petitioner once again approached the Sessions Court for grant of bail, but the same was also rejected vide Order dated 28.10.2023.
7. Petitioner has, thereafter, approached this Court.
8. This Court vide Order dated 16.04.2024 granted interim bail to the Petitioner herein for a period of five months and passed the following order:

*“3. Though the learned APP opposes the present bail application, in view of the fact that the victim is not opposing the applicant to be released on bail; keeping the age of the applicant in mind; and in view of the peculiar facts and circumstances of the case in hand,*



*the applicant is directed to be released on interim bail in FIR No.545/2023 registered at Police Station: Narela, Outer-North District, Delhi under Sections 376/366 of the IPC and Section 6 of the POCSO Act, for a period of 5 months from the date of his release, on furnishing a personal bond in the sum of Rs.10,000/- with one local surety of the like amount to the satisfaction of the learned Trial Court, and further subject to the following conditions:*

*i. The Applicant shall provide his permanent address to the learned Trial Court. The Applicant shall intimate the learned Trial Court by way of an affidavit and to the IO regarding any change in the residential address.*

*ii. The Applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.*

*iii. The Applicant shall provide all/latest/fresh mobile numbers to the IO concerned, which shall be kept by the Applicant in a working condition at all times and shall not be switched off or changed by him without prior intimation to the learned Trial Court and the IO concerned. The mobile location be kept on at all times.*

*iv. The Applicant shall not indulge in any criminal activity or tamper with the evidence of the case while being released on Interim Bail.”*

9. The period of interim Bail is to expire on 16.09.2024.
10. Today, Prosecutrix is present in Court along with the child.
11. On interaction with the Prosecutrix and the parents of the Petitioner, it turns out that the Prosecutrix wants the Petitioner to meet the child and have regular interaction with the child. The parents of the Petitioner also express their willingness to take care of the Prosecutrix and her child. The Petitioner,



who is also present in Court, has also expressed his interest in taking care of the child and the Prosecutrix. However, the Prosecutrix is a minor as of today.

12. Considering the peculiar facts and circumstances of the present case, this Court is inclined to enlarge the Petitioner on bail on the same terms and conditions as has been imposed on the Petitioner vide Order dated 16.04.2024.

13. It is made clear that this Court has not expressed any observations on the merits of the case.

14. It is made clear that this Court has no reservations in restricting the Petitioner herein in meeting the child, if the same is otherwise permitted in accordance with the rules.

15. With these observations, the Petition is disposed of, along with the pending applications, if any.

**SUBRAMONIUM PRASAD, J**

**SEPTEMBER 12, 2024**

*Rahul*