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

+ **BAIL APPLN. 1661/2024**

SHABNAM

.....Petitioner

Through: Mr. Harsh Prabhakar, Pallavi Garg,
Mr. Anirudh Tanwar, Mr. Dhruv
Chaudhry, Ms. Eshita Pallavi and Mr.
Adeeb Ahmad, Advocates with
mother of petitioner.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for State
with SI Kirandeep Kour and Inspector
Narender Singh PS KM Pur and SI
Bansi Lal, R.P. Bhawan.
Mr. Rajveer Pandey and Mr.
Shubham Gawande, Advocate for
complainant with complainant
(through VC)

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

20.08.2024

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1. By way of present bail application, the applicant seeks regular bail in
FIR No. 22/2019 registered under Sections
366/366A/370A/372/420/506/120B/34 IPC and Section 4 POCSO Act, at
Police Station Kotla Mubarakpur, Delhi.

2. Learned counsel for the applicant submits that the applicant is in
custody since 21.11.2019 and was also previously released on interim bail
twice, the concession which she did not misuse. It is stated that the co-
accused against whom the allegation under Section 6 of POCSO Act is
levelled, has already been released on regular bail. On merits, learned



counsel states that though it is the case of the prosecution that it was the present applicant who was instrumental in taking the prosecutrix and introducing her to the co-accused, namely *Satish Kumar Khanna*, however, the CDR of the mobile phones placed on record would show that the prosecutrix was already known to the said co-accused. It is further submitted that insofar as the allegation under Section 370 IPC is concerned, the prosecutrix has stated herself in her statement that the amount was demanded for the purpose of arranging an employment for the prosecutrix. Furthermore, it is submitted that although the prosecutrix had stated that the co-accused later told her that they had given the said sum for the purpose of marriage, however, the prosecutrix did not herself witness any such conversation. Lastly, it is stated that the prosecutrix has already been examined and discharged. Learned counsel for the applicant has also shown photographs with which the prosecutrix was confronted during her cross-examination, showing her to be happily posing in the company of the co-accused and his sister.

3. The application is opposed by learned APP for the State duly assisted by learned counsel for the complainant. Learned APP states that as per the prosecution case, it is the present applicant who has been charged for trafficking inasmuch as the prosecutrix was taken to Punjab on the premise of employment, where, under threat and coercion, she was made to marry the co-accused. He further submits that there are allegations that the present applicant paid money for the said purpose. It is also stated that it has come on record that the complainant had made a complaint for being threatened by the present applicant while she was on interim bail. Furthermore, it is stated that the prosecutrix was less than 18 years of age at the time of the



incident and that her mother and sister, the other two witnesses, are yet to be examined. It is also submitted that the applicant is involved in another case registered under Section 12 of POCSO Act, in which she was declared a proclaimed offender.

4. At this stage, learned counsel for the applicant, on instructions from the mother of the applicant, states that on being released on bail, the applicant will not reside in the immediate vicinity of the complainant.

5. I have heard learned counsel for the parties and also gone through the record placed before me, including the examination-in-chief and cross-examination of the prosecutrix.

6. As noted above, the prosecutrix already stands examined. Further, the co-accused is already on bail. During the course of submissions, it is also informed by the learned counsel for the applicant that the prosecutrix had filed a case for maintenance against the co-accused under the DV Act, which was later withdrawn. Furthermore, as per the nominal roll, the applicant has undergone nearly four years of incarceration. She had earlier been released on interim bail and had surrendered in time thereafter.

7. Without commenting on the merits of the contentions so as not to have a bearing on the appreciation of evidence that would be done by the trial court at the conclusion of trial and at the same time considering the totality of the facts and circumstances, it is directed that the applicant be released on regular bail, unless warranted in any other case, subject to her furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty Judicial Magistrate First Class and subject to the following further conditions :-



- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
 - ii) The applicant shall provide her mobile number to the Investigating Officer on which she will remain available during the pendency of the trial.
 - iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
 - iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
 - v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.
8. The bail application is disposed of in the above terms.
 9. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
 10. Copy of the order be uploaded on the website forthwith.
 11. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to present bail applicant and nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

AUGUST 20, 2024/rd