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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2966/2024**

SUNILPetitioner

Through: Mr. Rajiv Mishra, Ms. Suruchi Yadav, Mr.
Satyanand, Mr. Arun Kr. Sharma, Advs.

versus

GNCTD OF NCT OF DELHIRespondent

Through: Ms. Priyanka Dalal, APP for State

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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22.11.2024

1. This is a petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking regular bail of the petitioner in the FIR No. 286/2024, dated 01.04.2024 registered at PS Nangloi, Delhi under section 363 of IPC, 1860 and section 6 POCSO Act.
2. The FIR was registered by the mother of the prosecutrix (complainant) stating that her eldest daughter i.e. the prosecutrix went missing on 28.03.2024 and she had left the house voluntarily at around 3 p.m.
3. Thereafter, the prosecutrix called the complainant at Nangloi from where she was picked up by the complainant. The prosecutrix also informed the complainant regarding her relationship with the petitioner.
4. Subsequently, the prosecutrix made a statement under section 164 of Code of Criminal Procedure, 1973, based on which the petitioner was arrested on 13.06.2024. The petitioner was 17 ½ years old at the time of the incident.
5. The prosecutrix as well as the complainant are physically present in



Court and it is stated by the prosecutrix that she is in love with the petitioner and wishes to marry him. She does not wish to pursue her disputes with the petitioner.

6. The prosecutrix also states that the statement made by her under section 164 Code of Criminal Procedure, 1973 was out of anger and vindictiveness.

7. It is stated by the complainant that the prosecutrix is now a major and she has no objection if the petitioner and the prosecutrix are married.

8. From the facts narrated above, I am of the view that it is the case where the prosecutrix was in love with the petitioner and had been staying with him for about 2 months prior to registration of the FIR. Even today, the prosecutrix wishes to marry the petitioner.

9. Even though the petitioner was about 17 ½ years on the date of the incident, but it seems that the petitioner and the prosecutrix wish to start a new life together. In addition, the statement made under section 164 Code of Criminal Procedure, 1973 was also out of anger and vindictiveness.

10. For the reasons noted above, I am inclined to allow the present petition. The petitioner is directed to be released on bail subject to the following terms and conditions:

- i. The petitioner shall furnish a personal bond and a surety bond in the sum of Rs. 10,000/- each, to the satisfaction of the Investigating Officer (IO) concerned;
- ii. The petitioner shall appear before the Court as and when the matter is taken up for hearing;
- iii. The petitioner shall provide his mobile number to the IO concerned, which shall be kept in working condition at all times.



The petitioner shall not switch off, or change the same without prior intimation to the IO concerned, during the period of bail;

- iv. The petitioner shall furnish his permanent address to the IO concerned and in case the petitioner changes his address, he will inform the IO concerned and this Court also;
- v. The petitioner shall not leave the country during the bail period without permission from the competent Court and surrender his passport, if any, at the time of release before the IO concerned;
- vi. The petitioner shall not indulge in any criminal activity during the bail period;

11. Needless to state that 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 petition

12. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

NOVEMBER 22, 2024 / (MS)

Click here to check corrigendum, if any