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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 3145/2024, CRL.M.A. 26322/2024

ANKIT TYAGI

.....Petitioner

Through: Mr. Prakash Sharma, Mr. Anuj Saxena
and Ms. Prakrati Raj, Advocates.

versus

THE STATE OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Shoaib Haider, APP for State
with SI Seema, P.S. Prashant Vihar.
Mr. Roshan Lal and Mr. Arun Kumar,
Advocates for complainant with
complainant in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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13.11.2024

1. By way of present application, the applicant seeks anticipatory bail in FIR No. 297/2024 registered under Sections 137(2) of BNS at P.S. Prashant Vihar, Delhi.
2. Ld. Counsel for the applicant submits that the applicant and prosecutrix knew and had developed a liking for each other. He submits that the prosecutrix had gone with the applicant consensually and subsequent to which they had solemnised their marriage on 06.08.2024. The marriage was also registered before the Arya Samaj Mandir, George Town, Prayagraj, U.P. He submits that at the said time the prosecutrix had provided her Aadhar Card which showed her age to be 01.01.2006, which makes her more than 18 years of age at the time of incident. He further submits that as



per the prosecution case, the prosecutrix was recovered on 07.09.2024 at New Delhi Railway Station and throughout this time, she had voluntarily stayed with the applicant at his hometown. During this time, prosecutrix had made no complaint to anyone. He further submits that in her initial statement recorded under Section 164 Cr.P.C., the prosecutrix did not allege any physical assault and only in her statement recorded after a delay of about 42 days, the allegations of physical relations were made.

3. Ld. APP for the State, who is duly assisted by learned counsel for the complainant, has opposed the bail application. It is stated that the father of the prosecutrix had lodged a missing complaint on 06.08.2024. It is further stated that the Aadhar Card furnished by the prosecutrix at the time of marriage was forged. In fact, as per the records collected from the first school attended by the prosecutrix, her date of birth was verified to be 25.10.2008 which makes her a minor on 06.08.2024 i.e. the date of the marriage. It is stated that prosecutrix's first statement was recorded on 07.09.2024 and the second statement under Section 164 Cr.P.C. was recorded on 19.10.2024. Ld. APP however, on instructions, submits that application has joined the investigation.

4. I have heard the learned counsels for the parties and perused the material available on record.

5. As noted above, the present FIR came to be registered on the missing report lodged by the father of the prosecutrix on 06.08.2024. As per the prosecution case, there are two sets of documents; one i.e. the Aadhar Card statedly given by the prosecutrix at time of her marriage which indicates her date of birth to be 01.01.2006; the second is the school record which indicates her date of birth to be 25.10.2008. After being recovered, the



prosecutrix was taken for MLC where she did not allege any history of physical assault. On that day, her statement under Section 164 Cr.P.C. was also recorded wherein there was no mention of any sexual assault. The allegations came to be recorded only after a period of about 42 days in the second statement on 19.10.2024. During the time of her second MLC, she refused her internal medical examination.

6. Considering the totality of the facts and circumstances, it is directed that in the event of arrest, the applicant be released on anticipatory bail subject to him furnishing a personal bond in the sum of ₹25,000/- with one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following further conditions:-

- (i) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
- (ii) The applicant shall join the investigation as and when, he is asked for.
- (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
- (iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.
- (v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- (vi) The applicant shall regularly appear before the Trial Court as and when the charge sheet is filed.

7. The application is disposed of in the above terms alongwith pending



applications.

NOVEMBER 13, 2024
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MANOJ KUMAR OHRI, J