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

+ **BAIL APPLN. 3797/2024, CRL.M.A. 31519/2024**

AJEET SINGH RAGHAV

.....Petitioner

Through: Mr. Mitsbah Bin Taria, Mr. Mohd,
Amanuallah, Ms. Shahin Alvi, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for the
State with Inspetor Ravinder Joshi, SI
Sapna, PS Aman Vihar.
Mr. Hayder Farooq, Mr. Mutakeem
Chaudhary, Mr. Azhar Faiz Khan,
Advs. for R-2

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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06.11.2024

1. The present petition has been filed seeking regular bail in FIR No. 433/2024 dated 09.08.2023 registered at Police Station Aman Vihar punishable for the offence under Sections 376 of the Indian Penal Code, 1860 and Section 6 of POCSO Act.
2. Brief case of prosecution as stated in the status report is that the accused, the petitioner in this matter, is the son of the victim's father's uncle, the late Virender Singh Raghav, and was a frequent visitor to the victim's residence. Over time, a romantic relationship allegedly developed between them, resulting in physical intimacy. Consequently, the victim became pregnant, and on 08.07.2024, gave



birth to a baby girl. Following the birth, the petitioner reportedly refused to marry the victim or acknowledge the child as his own.

3. The victim's Medical Legal Certificate (MLC), along with related exhibits and sample seals, was subsequently seized, documented through a seizure memo, and stored in the Malkhana and FIR No. 433/24 was registered on 10.07.2024 under Section 376 of the IPC and Section 6 of the POCSO Act, based on the victim's statement, her MLC, and a PCR call.
4. During the investigation, the petitioner was taken into custody, and his medical examination was conducted at SGM Hospital, Mangolpuri, Delhi. The examining doctor concluded that "there is nothing to suggest that this person cannot perform sexual activity." The petitioner's blood sample was taken, seized through a seizure memo, and deposited in the Malkhana; it was subsequently sent to FSL for analysis, with the report pending.
5. Additionally, the status report notes that on 23.07.2024, age verification documents for the victim were received, confirming her date of birth as 12.10.2006, thus establishing her status as a minor at the time of the incident.
6. Learned counsel for the petitioner submits that the petitioner was around 22 years of age at time of alleged incident and victim was around 16 years of age. Learned counsel submits that in fact, it was a misadventure between a boy who had recently attained the majority and a girl who was near the majority. It has been submitted that it was a consensual relationship and that even a child has been born out the said relationship.



7. Learned APP has opposed the bail application on the ground that admittedly, the victim was minor at the time of incident.
8. The victim is present in the Court along with the child born out of the said relationship. The petitioner is in custody since 14.07.2024.
9. In view of the peculiar facts and circumstances mentioned above, the petitioner is admitted to regular bail upon furnishing a personal bond of Rs. 20,000/- with one surety of the like amount to the satisfaction of the concerned learned trial court, subject to the verification of address and subject to the following further conditions:
 - a. the petitioner shall regularly appear before the IO/trial court as and when directed;
 - b. the petitioner shall not directly or indirectly make any inducement, threat, intimidate or tamper with any person acquainted with the facts of the case;
 - c. the petitioner shall remain available on the address, to be given to the IO and shall not leave the country without the permission of the learned Trial Court;
 - d. In case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
- a) the Petitioner shall provide his mobile number(s) to the Investigating Officer and shall keep it operational at all times;
- b) In case of change of residential address and/or mobile number, the Petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
8. The application stands disposed of.



9. A copy of this order be sent to concerned jail superintendent for necessary compliance and information.

DINESH KUMAR SHARMA, J

NOVEMBER 6, 2024

Pallavi/smg