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

Reserved on: 13.11.2025
Date of Decision: 20.11.2025

\+ BAIL APPLN. 212/2024

KUZBAYEVA MARAL .....Petitioner
Through: Mr. Rizwan, Mr. Varun Narang, Mr. Manik Dhingra, Mr. Samarth Sharma, Mr. Nihit Singhal, Advs.

versus

THE STATE N.C.T. OF DELHI .....Respondent
Through: Ms. Meenakshi Dahiya, APP for State with Ms. Divya Bakshi, Adv.
Mr. Amit Tiwari, CGSC with Ms. Ayushi Srivastava, GP, Mr. Ayush Tanwar, Mr. Arpan Narwal and Mr. Kushagra Malik, Advs.

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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1. The present petition under Section 439 of the Code of Criminal Procedure[1] has been filed by the petitioner seeking grant of Regular Bail in FIR No. 148/2022 dated 22.07.2022 for the offences punishable under Sections 370/ 366B/ 419/ 420/ 465/ 466/ 467/ 268/ 471/ 474/ 109/ 120B/ 34/ 174A of the Indian Penal Code, 1860[2] and Sections 3/4/5 of Immoral Traffic (Prevention) Act, 1956[3] registered at Police Station Crime Branch (South), New Delhi.

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[1] Hereinafter "CrPC"
[2] Hereinafter "IPC"
[3] Hereinafter "ITP Act"

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Factual Matrix

2. Briefly stated, the facts emerging from the FIR are that, on the basis of secret information received by the Anti-Human Trafficking Unit (AHTU), Crime Branch, Delhi, it was revealed that certain foreign women, predominantly from Uzbekistan, were being brought to India *via* Nepal and compelled to engage in immoral trafficking activities in Delhi.

3. Acting upon such information, a raiding party was constituted under the supervision of Inspector Pramod Kumar. On 22.07.022, upon verification of the information through decoy customer Constable Sohanveer, a raid was conducted at Flat No. B-13, 4th Floor, Pansheel Vihar, Malviya Nagar, New Delhi, where two agents, namely Mohd. Arup and Chande Sahni @ Raju, were apprehended along with ten foreign women. The said accused persons were found to be facilitating and managing prostitution activities at the behest of one Aziza and her husband Ahmed, residents of Sunlight Colony, Delhi, who were allegedly bringing the foreign women to India and forcing them into prostitution after confiscating their passports. Upon search, incriminating articles and cash was recovered. Accordingly, the present FIR was registered.

4. Upon conclusion of the investigation, a chargesheet was filed on 21.09.2022, followed thereafter by supplementary chargesheets pursuant to further investigation.

5. The supplementary chargesheet dated 06.09.2023 reveals that the accused persons, petitioner herein (a Turkmenistan national) and Kilicheva @ Aziza @ Maya (an Uzbekistan national), were engaged in an organized racket of human trafficking and prostitution operating

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in Delhi, Gurugram, and other parts of India. Both were found overstaying in India on expired visas and in possession of forged Indian identity documents such as Aadhaar, PAN and Voter ID cards, used for opening bank accounts and conducting illegal transactions.

6. Subsequently, the petitioner was apprehended from Gurugram on 19.06.2023, and forged documents, foreign passports and mobile phones used in the commission of the offence were recovered from her possession

7. Thereafter, *vide* order dated 30.03.2023, the learned Trial Court framed charges against the accused under Sections 120B/370/419/420/174A of the IPC, Sections 3/4 of the ITP Act and Section 14 of the Foreigners Act, 1946[4].

8. The petitioner thereafter moved an application for regular bail, which was dismissed by the learned Trial Court *vide* order dated 05.10.2023. The Trial Court held that despite the absence of specific attribution of role in the victims' statements under Section 164 CrPC, the categorical allegations in their statements under Section 161 CrPC, coupled with the recovery of the victim's passport at the petitioner's instance, *prima facie* implicate her. The Court further observed that the petitioner was in constant touch with the co-accused, had earlier absconded, was residing in India on an expired visa without any plausible explanation, and that the offences alleged were grave. Accordingly, the bail application was rejected.

Submissions on behalf of the petitioner

[4] Hereinafter "Foreigners Act"

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9. Mr. Rizwan, learned counsel for the petitioner seeks regular bail before this Court and submits that the petitioner had entered India in the year 2016 on a tourist visa. It is stated that she subsequently became critically ill, was hospitalized, and underwent surgical removal of one kidney, whereafter her visa was extended on medical grounds. However, her passport was seized by the police in 2018 in connection with pending proceedings at Gurugram, thereby preventing further compliance with visa renewal requirements. Learned counsel submits that trial under Section 14 of the Foreigners Act is already pending before the competent Court at Gurugram.

10. It is submitted that the petitioner has remained in judicial custody for a period exceeding two and a half years, and as only three witnesses have been examined out of a total of fifty-three witnesses.

11. Learned counsel submits that the prosecution has cited seven victim-witnesses. However, five victims have already absconded from India, and by order dated 18.12.2024, their names have been dropped from the list of witnesses by the learned Trial Court. It is contended that the two remaining victims, namely "IZ" and "UY", who had made statement under Section 161 CrPC allegedly naming the petitioner, have not made any allegation against the petitioner in their statements under Section 164 CrPC recorded before the learned Magistrate.

12. It is further contended that the testimony of victim "TN" is relied upon by the prosecution, who in her examination-in-chief made a reference to the petitioner. However, in her cross-examination, the said witness unequivocally admitted that the petitioner had never forced her or induced her into prostitution, thereby negating the essential ingredients of offences under the ITP Act.

13. Mr. Rizwan submits that there is no documentary or electronic material on record to establish any conspiracy, association, or nexus between the petitioner and any other co-accused persons. The prosecution, it is urged, seeks to rely merely upon disclosure statements, which are inadmissible in evidence, and upon statements of victims who have either turned hostile or are unavailable.

14. It is further urged that the petitioner has been granted bail in two other cases arising out of similar allegations, involving the same set of alleged victims, registered subsequently before the Crime Branch, Chanakyapuri, New Delhi, (FIR No. 160/2022) based upon a complaint routed through an NGO, and another pending before the Court of Gurugram (FIR No. 469/2018). It is stated that in FIR No. 160/2022, the learned Trial Court granted bail after considering that the same victims had absconded and had been dropped from the witness list.

15. As regards the allegation of forged Aadhaar and PAN cards, it is submitted that no wrongful loss to the Government or to any person has been demonstrated, nor is there any complaint from any authority alleging cheating. It is contended that, at best, the issue pertains to the petitioner's identity documentation and remains a matter of trial, without constituting a ground for continued incarceration.

16. Counsel further submits that the petitioner has never visited Uzbekistan, whereas all complainants/victims are nationals of Uzbekistan. The petitioner is a resident of Turkmenistan, rendering the allegation of trafficking them wholly implausible.

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17. Lastly, it is submitted that co-accused Aizaz Kilicheva @ Aziza @ Maya, who stands charge sheeted in the present matter, has already been granted bail, and the petitioner accordingly seeks parity.

Submissions on behalf of the respondent

18. Ms. Meenakshi Dahiya, learned APP for the State vehemently opposes the grant of bail, placing strong reliance on the Status Reports. It is submitted that the allegations against the petitioner are grave, and the petitioner is an active member of a trafficking syndicate involved in bringing foreign nationals into India through Nepal by circumventing legal entry requirements.

19. Ms. Dahiya submits that the Call Detail Records[5] establish the petitioner's nexus with sixteen co-accused persons. Co-accused Mohd. Arup has specifically named the petitioner in his statement. The mobile number used by the petitioner, issued in her name on the basis of a fraudulently procured Aadhaar card in the name of "Mariyam", shows consistent communication with several members of the syndicate.

20. Learned APP further submits that three bank accounts in the petitioner's name reflect transactions amounting to ₹94,98,713/-, and the said accounts were opened using forged Aadhaar and PAN cards.

21. It is pointed out that two foreign passports of trafficked girls, including one pertaining to the victim in the present case, were recovered from the petitioner, along with a Creta car, an Indian Aadhaar card, PAN card, and a marriage certificate.

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[5] Hereinafter "CDR"

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22. It is contended that the petitioner has been residing in India without valid authority. Though she initially entered India on a medical visa, she continued to stay in the country illegally after its expiry.

23. The petitioner is also stated to have two prior criminal antecedents – one FIR registered in Gurugram (FIR No. 469/2018) and another in Chanakyapuri (FIR No. 160/2022).

24. Lastly, learned APP submits that the petitioner has used inconsistent and conflicting identity documents. While her passport reflects her date of birth as 29.12.1972, she procured Aadhaar and PAN cards, and opened bank accounts, as "Mariyan w/o Shahid Ahmed", declaring her date of birth as 02.12.1974.

Analysis

25. Heard arguments addressed by the learned counsel for the petitioner as well as learned APP for the State and have perused the material placed on record.

26. The rival contentions necessitate a scrutiny limited to the parameters governing the grant of bail, without venturing into a meticulous evaluation of evidence, which lies within the domain of trial. The Hon'ble Supreme Court has repeatedly cautioned that, at the bail stage, the Court is to examine only the existence of a *prima facie* case and the nature of accusations, without embarking upon an assessment of the credibility of witnesses.

27. The petitioner's principal contention is that she had initially entered India on a tourist visa in 2016, subsequently extended on medical grounds owing to serious illness. It was submitted that she

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Signing Date:21.11.2025
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could not get the visa extended as her passport was seized in 2018 by the investigating agency. However, the explanation furnished is unsupported by any material indicating compliance with statutory requirements either before or after the alleged seizure. Significantly, the record reflects that the petitioner has filed an affidavit in compliance with the directions of this Court, wherein she has stated that she entered India on medical visa, whereas in the present petition she asserts that she entered on a tourist visa. This inconsistency in the petitioner's own stand, coupled with the absence of supporting documentation, casts doubt on the credibility of her explanation.

28. The documents on record reflect that the petitioner has obtained an Aadhaar card and PAN card in the name of "Mariyam", which is wholly inconsistent with the name "Maral" under which the present petition is filed. No plausible justification has been offered for these contradictory identity documents.

29. The submission that no case of cheating or forgery is made out on the premise that no wrongful loss has been caused to the Government or any individual, is misconceived at this stage. The procurement of Aadhaar and PAN cards in the name of "Mariyam", contrary to the identity under which the petitioner has approached this Court, *prima facie* reflects the use of fabricated identity documents. The said documents have been used to obtain mobile connections and bank accounts, and therefore constitute not merely a matter of identity clarification, but an act of misrepresentation with potential for wrongful gain. The absence of a complaint from any authority cannot eclipse the statutory offences under the IPC, as the gravamen of

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cheating lies in deception for gain, regardless of immediate loss, and the issued of actual loss remains a matter of trial.

30. The argument that the petitioner, being a national of Turkmenistan, could not have trafficked Uzbek national, is equally untenable. The case of the prosecution does not rest on nationality-based syndicate affiliations but on the petitioner's alleged role within an organized operation facilitating illegal entry, harbouring, and commercial sexual exploitation of foreign nationals.

31. The contention that five out of the seven witnesses have been deleted also does not advance the petitioner's case, as deletion does not imply exoneration nor does it dilute the remaining incriminating material.

32. The petitioner's counsel has further argued that her name is not found either in the FIR or in the primary chargesheet and appears only in the supplementary chargesheet, and that the statements of victims "ZK" and "TN" do not implicate her. However, the record indicated that victim "TN", in her statement under Section 164 CrPC, has specifically referred to the petitioner, has spoken of an altercation between the petitioner and a broker relating to prostitution, and has correctly identified her in Court. The argument that her testimony contains contradictions is, at best, a matter for trial and cannot be the basis to discard her statement at this stage.

33. This Court is mindful of the position that at the stage of granting of bail, the court cannot undertake a detailed evaluation of the evidence or the credibility of witnesses. The Hon'ble Supreme

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17:07:45

Court in the case of ***Satish Jaggi v. State of Chhattisgarh & Ors.***[6] has held as under:

> "At the stage of granting of bail, the Court can only go into the question of prima facie case established for granting bail. It cannot go into the question of credibility and reliability of the witnesses put up by the prosecution. The question of credibility and reliability of prosecution witnesses can only be tested during the trial."

34. The State, on the other hand, has placed reliance on the Status Reports, which allege that the petitioner is an active member of a trafficking syndicate involved in bringing foreign girls into India through Nepal by circumventing legal entry requirements. The CDRs, as placed on record, reflect sustained telephonic contact between the petitioner and sixteen co-accused persons. Co-accused Mohd. Arup has also named the petitioner in his statement. These aspects, taken together, *prima facie* demonstrate her association with the group of accused persons forming part of the alleged organised racket.

35. The prosecution has further alleged recoveries from the petitioner, including two foreign passports, one belonging to a victim in the present case, along with forged Aadhaar and PAN cards, a marriage certificate, and a vehicle used in the operation of the racket. At this stage, there is no material to disbelieve such recoveries or to accept the petitioner's bare assertion that the funds found in her bank accounts, totalling approximately ₹94,98,713/- constitute legitimate earnings. No explanation has been furnished whatsoever regarding the source or nature of these funds, and the fact that three bank accounts have been opened on the strength of fraudulently procured identity documents reinforces the prosecution's case of illegal activity.

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[6] **(2007) 11 SCC 195**

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36. While the petitioner seeks parity with co-accused Aizaz Kilicheva @ Aziza @ Maya, it is evident from the order dated 02.02.2024 passed by the learned Trial Court that the said co-accused was charged only under Section 14 of the Foreigners Act and Section 174-A of the IPC, unlike the present petitioner, against whom allegations extend well beyond mere violation of immigration laws. Parity cannot be claimed where the roles, allegations, or statutory provisions invoked differ materially.

Conclusion

37. This court cannot lose sight of the nature of allegations, concerning an organized commercial operation involving exploitation of vulnerable women. The CDR analysis, recoveries, the victim's involvement in other cases of similar nature, the identification of the petitioner by the victims, contradictory identity documents, the unexplained financial transactions, cumulatively create a *prima facie* case of sufficient gravity to disentitle the petitioner from the discretionary relief of bail at this stage. The objection regarding nationality is misconceived, as the denial of bail is based not on her foreign origin but on substantive incriminating material indicating active participation rather than incidental association. In view of the organized nature of the alleged operation, the material linking the petitioner to the syndicate, the pendency of examination of key witnesses, and the fact that certain victims are untraceable, no ground is made out for grant of bail at this stage.

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38. For all the aforesaid reasons and upon a cumulative assessment of the record, this Court finds no merit in the bail application. The petition is accordingly dismissed.

39. Nothing stated in this judgment shall be construed as an expression of opinion on the merits of the case, which shall proceed strictly in accordance with law.

40. The judgment be uploaded on the website forthwith.

AJAY DIGPAUL, J.

NOVEMBER 20, 2025/*AS/dd*

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