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

+ **BAIL APPLN. 328/2025**

AKHILESH YADAV

.....Petitioner

Through: Mr. Dharendra Singh and Ms. Kirti
Bhardwaj, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the
State.

SI Ritu, PS Subhash Nagar.

Ms. Cauveri Birbal (DHCLSC), Mr.
Kalendu Pandey and Ms. Preksha
Gaur, Advocates for survivor
alongwith survivor in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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30.04.2025

1. This hearing has been done through hybrid mode.
2. The present application under Section 483 of the BNSS read with Section 439 of the CrPC seeks regular bail in FIR No. 1057/2022, under Sections 363/376 of the IPC and Section 6 of the POCSO Act, registered at P.S. Subhash Place.
3. The case of the prosecution is that on 02.11.2022, complainant, mother of the survivor, reported at the concerned police station that her daughter aged 14 years has been missing since 5:40 PM from her house. The aforesaid FIR was registered under Section 363 of the IPC.
4. During the course of the investigation, on 14.07.2024 the survivor was recovered from village Samgrola, Choraha, Uttar Pradesh and was produced



alongwith newly born baby boy.

5. Survivor was medically examined at Bhagwan Mahavir Hospital. In MLC, it has been recorded that the survivor has stated that she had eloped with the present applicant and further that she had known him for 5 years and got married to him on 30.01.2022 in a *mandir* (temple) in the presence of the family of the applicant. During the course of the investigation, her statement was recorded under Section 164 of the CrPC wherein she again stated that on 02.11.2022, she had left her house wilfully and got married with the present applicant in 2022 as her mother was conducting her marriage with some other person in lieu of monetary consideration. She further stated that her date of birth is 01.01.2004, however, her mother had given the date of birth of 01.01.2008. After investigation, the chargesheet was filed before the Court of competent jurisdiction and the matter is presently listed for prosecution evidence.

6. Learned counsel appearing on behalf of the applicant submits that the survivor in the present case wants to stay with the present applicant after attaining the age of majority. It is further submitted that the complainant is presently residing at Nirmal Chhaya alongwith her newborn baby. It is submitted that the applicant is admitting the marriage and his family has already accepted the survivor alongwith her newborn baby.

7. Learned counsel appearing on behalf of the survivor appointed by Delhi High Court Legal Services Committee on the last date of hearing had submitted that the survivor expresses her desire to appear before this Court.

8. Accordingly, the survivor is present in Court today alongwith her newborn baby and submits that she has no objection if the present applicant is granted bail.



9. Learned APP for the State has handed over in Court today order dated 06.01.2025 passed by Child Welfare Committee-VI, wherein it has been recorded that survivor has clearly stated that she is not interested in going back with her mother and is interested in going with the applicant after attaining the age of 18 years. It is further records that the mother of the survivor was not interested in talking and taking responsibility of the survivor. The said order is taken on record.

10. Investigation in the present case is complete, charges have been framed and the matter is listed for prosecution evidence. The present application is in custody since 15.07.2024 and no useful purpose will be served by keeping the present applicant in further judicial custody.

11. In the peculiar facts and circumstances of the present case, the present application is allowed and the applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 15,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions: -

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- v. The applicant shall not, directly or indirectly, tamper with evidence or



try to influence the witness in any manner.

12. The application is allowed and disposed of accordingly.
13. Pending applications, if any, also stand disposed of.
14. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case and any observations made herein are only for the purpose of the present bail application.
15. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
16. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

APRIL 30, 2025/sn

Click here to check corrigendum, if any