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

+ **BAIL APPLN. 639/2025**

MOHD HAIDER ALI

.....Applicant

Through: Mr. Mohd. Rais Farooqui
Mr. Laique Shad Farooqi
and Mr. Mohd. Imran
Malik, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Mr. Aashneet Singh, APP
for the State with SI
Paramjeet PS Ranhola.
Mr. Shivam Tyagi,
Advocate for complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **19.03.2025**

1. By present bail application, the applicant seeks bail in FIR No. 295/2018, under Sections 376/354/354A/354B/506 of the Indian Penal Code, 1860 ('IPC') and Section 4/6/8 of the Protection of Children from Sexual Offence Act, 2012 ('POCSO') registered at PS Ranhola, Delhi. The chargesheet has been filed in the present case.

2. Brief facts of the case are that on 10.04.2018, a complaint was filed by the complainant, alleging that the applicant had been indulging in sexual intercourse with her mother, her minor sister and herself, on the pretext of curing her father and their family from some black magic. It has been alleged that the acts of the applicant against the complainant continued since March, 2016.

3. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He



submits that the provisions of the POCSO have been invoked on a false allegation by the minor victim. He submits that the other victim was almost 20 years of age at the time of complaint and was in consensual relationship with the applicant. He submits that the case against the applicant is solely based on the testimony of the victims and the FSL report which indicates that the sexual relationship does not in any manner prove that the applicant had forced the victims to have sexual relationship.

4. The learned APP for the State and learned counsel for the victims submits that the applicant was practicing Unani Medicine and taking advantage of the treatment of the father of the complainant, established sexual relationship with the victims. He submits that the applicant had committed a heinous crime where the faith reposed by the victims on the applicant due to the fact that he was practicing medicine was exploited by establishing sexual relations. He submits that the victims were coerced into sexual relations and were exploited. He submits that the case of the prosecution is supported by the statements made under Section 164 of the Code of Criminal Procedure, 1973 ('CrPC') as well as the scientific evidence.

5. The defense of the applicant as noted above would be considered after the entire evidence is concluded. At this stage, it cannot be ignored that the applicant has spent almost 7 years in custody. On being pointedly asked, it is informed that only 6 out of 20 witnesses have been examined as yet. Trial under such circumstances is still likely to take a considerable time to conclude. The applicant cannot be made to suffer the entire period of sentence in custody as an undertrial. The applicant on two earlier occasions was released on interim bail and has not misused his liberty. The applicant is, therefore, directed to be



released on bail on furnishing a personal bond for a sum of ₹50,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall cooperate in any further investigation as and when directed by the concerned IO;
 - b. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
 - c. The applicant shall not contact the victims in any manner whatsoever;
 - d. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
 - e. The applicant shall appear before the learned Trial Court as and when directed;
 - f. The applicant shall provide the address where he would be residing after his release which shall not be within 5 kms radius of the place of residence of victim and shall not change the address without informing the concerned IO/SHO;
 - g. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
6. In the event of there being any FIR/DD entry/ complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
7. It is clarified that any observations made in the present order are only for the purpose of deciding the present bail application and should not influence the outcome of the trial and



also not be taken as an expression of opinion on the merits of the case.

8. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

MARCH 19, 2025

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