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

+ **BAIL APPLN. 850/2025**

MOHD. ASGHAR

.....Petitioner

Through: Mr. S.Azad, Mr. Kamal, Ms Meenu,
Advocates

versus

STATE GOVT. OF NCT OF DELHI AND ANR.....Respondent

Through: Mr. Shoaib Haider, APP for the State

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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29.04.2025

1. First Bail Application has been filed on behalf of the applicant under Section 483 of BNSS, 2023 read with Section 439 of Cr.P.C. seeking regular bail in FIR No. 611/2022 under Sections 366/376 IPC and Sections 6/17/21 of the POCSO Act, P.S. Govind Puri.
2. It is submitted in the Application that the first Bail Application was dismissed by the learned ASJ on 11.12.2024. The applicant is in judicial custody since 22.04.2023. All material witnesses have been recorded and no fruitful purpose would be served in further detention of the applicant. It is further submitted that the applicant and complainant were of same age group and were neighbours who fell in love with each other and developed close and intimate relationship. Since both were minors and of tender age, they decided to get married on attaining the age of majority in the year 2019. Both were happy with their relationship but after about two years they unfortunately were caught together by parents of the Complainant and were



taken to P.S. Govind Puri where the statement of the complainant was recorded. She stated that she considered the Applicant as her husband and that the relationship was established by them voluntarily and by own choice and accord. She did not return to her parental home and they both started living together in a separate rented accommodation at Village Tughlakabad, Delhi wherein they continued to reside together in a live-in relationship without any interference from anybody.

3. However, the complainant then developed liking for another boy which resulted in severance of relationship between them as complainant had no remorse about her conduct. She also became cantankerous and blocked the Applicant on her social media and divulged the name of the boy as one Tushar. The live-in relationship between the applicant and the complainant came to a grinding halt. Thereafter, the Applicant filed the FIR No. 611/2022 as a pressure tactic. It is asserted that it is a false FIR lodged with dishonest intention even though applicant is innocent.

4. The Charge Sheet has already been filed and it would take some time for the trial to get concluded. The applicant has clean antecedents and deep roots in the society. He undertakes not to extend any threat to any witness or tamper with the evidence. Hence he has sought the Regular Bail.

5. The Status Report has been filed on behalf of the State wherein it is submitted that on 26.08.2022, statement of the complainant was recorded wherein she stated that she got pregnant around June, 2021 and she was given abortion pills by the Applicant.

6. Furthermore, in a statement under 164 Cr.P.C, she stated that she had been in relationship with the Applicant since six years. She tried to reveal about her relationship to her family members, but they were not agreeable



though subsequently both the families agreed. Thereafter, they stayed in rented accommodation for two years. However, when she asked for marriage his mother, grandmother and family members met her and told her to talk to her mother. She went to her mother and apologized and subsequently everyone in the family agreed for the marriage.

7. She kept meeting the applicant. When the mother of the complainant approached the family members of the applicant for marriage, they told her to stay away. When she tried to contact the Applicant telephonically, the phone was switched off and his family members threatened that they would commit suicide and make the Applicant run away. She had talked to the Applicant six days ago, who had agreed for marriage but because of the pressure of family members, he did not pick up her call.

8. It is further submitted that the age related documents were collected from Principal, MCD School, Tuglakabad Extension, Delhi, according to which her date of birth was 24.05.2002 i.e. about 15 years and 07 months at the time of offence.

9. The Applicant was given interim protection in the Anticipatory Bail Application filed by him. He has joined investigations. The potency test was conducted.

10. Subsequently, the school records were obtained from Principal MCD Primary School, Tuglakabad Extension whereby the date of birth of the Complainant was found to be 20.03.2000 i.e. about 17 years and 9 months at the time of commission of offence.

11. The statements of the landlord and other witnesses have been recorded. The two witnesses i.e prosecutrix and doctor have already been examined out of 17 prosecution witnesses. The Bail Application is therefore,



opposed.

12. **Learned counsel for the petitioner** has submitted that since, then three more witnesses namely the mother, the landlord and the Principal of the School have also been examined.

13. **Submissions heard. Record perused.**

14. It is the case of the complainant herself that she had been in a consensual relationship with the Applicant which she had continued even after attaining maturity about which their family members were aware. It is only subsequently in about 2022 when the relationship turned sour, that she filed this Complaint.

15. The applicant had been on under interim protection though on a subsequent FIR filed by the complainant on 28.02.2023 of allegedly being threatened by the Applicant, the Applicant was arrested in the said FIR and thereafter, was also arrested in this case. He is in judicial custody since 21.04.2023. All material witnesses have been recorded in this case and it will take some time to conclude the trial.

16. In the totality of circumstances, the petitioner is granted regular bail subject to the following conditions:-

- a) The Petitioner/Accused shall furnish a personal bond of Rs.25,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The Petitioner/Accused shall appear before the Court as and when the matter is taken up for hearing;
- c) The Petitioner/Accused shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;



- d) The Petitioner/Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
 - e) In case the Petitioner/Accused changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.
17. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court.
18. The petition is disposed of.

NEENA BANSAL KRISHNA, J

APRIL 29, 2025/n