



\$~4

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

+ **BAIL APPLN. 1009/2025 and CRL.M.A. 22523/2025**

**SHAMSHIR HASSAN THROUGH PAROKAR MARIYA
ANSARI**

.....Petitioner

Through: Mr. Sourabh Saini, Ms. Prabha and
Mr. Gaurav, Advocates.

versus

**THE STATE NCT OF DELHI THROUGH SHO
& ANR.**

.....Respondents

Through: Mr. Tarang Srivastava, APP for State
with SI Madhuri, PS-Pul Prahladpur.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

%

17.11.2025

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. (Now Section 483 of BNSS) seeking regular bail in connection with FIR no. 354/2024, under Section 75(1)(i) (sections 115(2)/79 of BNS, further added through chargesheet) and Section 10 of POCSO Act, registered at PS-Pul Prahladpur.
2. Mr. Sourabh Saini, learned counsel appearing on behalf of the petitioner submits that the present FIR is a counter-blast to an earlier FIR that was registered at the instance of two daughters of the petitioner.
3. He submits that the said earlier FIR is FIR 326/2024, which was registered under Section 65(2)/75 (1)(i) of BNS and Section 6/10 of POCSO Act.
4. He submits that accused in the FIR No. 326/2024 is one Gufran, who is the brother of the alleged victim in the present case.
5. He further contends that charge against accused in FIR no. 326/2024



is serious, however, he has been granted bail by the Court of learned Special Judge, Saket, whereas the petitioner continues to languish in jail in connection with the present FIR which is evidently a counter-blast.

6. He further submits that petitioner is in custody since 13.11.2024 and has completed one year of judicial custody. He contends that there is no other case registered against petitioner and he has clean antecedents.

7. He further submits that though the FIR was registered in the year 2024 but the incident alleged therein is of the year 2021, which has been concocted with *mala fide* intentions to make out an offence under the POCSO Act, as the victim was major at the time of registration of FIR.

8. Heard. It is not in dispute that allegations made in the present FIR refers to an incident of the year 2021 when the victim was minor, whereas the aforementioned FIR itself came to be registered in the year 2024, after evident delay of almost three years. Therefore, the submission of the learned counsel for the petitioner that the present FIR is a counter-blast to the earlier FIR registered at the instance of Petitioner's two daughters cannot be negated altogether.

9. It is not the case of the prosecution that the petitioner has any previous involvement. Further, the accused in the FIR no. 326/2024, who is brother of the victim in the present case, has already been granted bail.

10. The petitioner is in custody for more than one year. In the given circumstances he cannot be kept in custody for indefinite period to await the outcome of trial.

11. Having regard to the aforesaid circumstances, this Court is of the view that petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is admitted to regular bail subject to his furnishing a personal



bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/JMFC/Duty JM, further subject to the following conditions:

- (a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- (b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- (c) Petitioner shall not communicate with or come in contact with the witnesses or any family members of the witnesses.
- (d) The petitioner shall report on 2nd and 4th Saturday of every month to the IO concerned.

12. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on merits of the case.

13. The application is disposed of.

14. Pending application stands disposed of.

15. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.

16. Order *dasti* under signatures of the Court Master

VIKAS MAHAJAN, J

NOVEMBER 17, 2025/jg