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

+ BAIL APPLN. 1091/2025 & CRL.M.A. 8226/2025 EXEMPTION
MOHD ASLAM ANSARIPetitioner

Through: Mohd. Suza Faisal, Adv.
versus

STATE GOVT. OF NCT OF DELHIRespondent
Through: Ms. Shubhi Gupta, APP for the State
with IO.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **05.05.2025**

1. This is a petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail filed on behalf of the petitioner in case FIR No. 0375/2024 under Sections 137(2)/65(1)/87 BNS and Section 6 of POCSO Act, registered at P.S.Nabi Karim.
2. Learned counsel for the petitioner submits that the victim has turned hostile in her statement under Section 183 BNSS. As per her birth certificate she was 17 years at the time of alleged commission of offence. It is further submitted that the victim gave a statement before the trial court that she has no objection to grant of bail to the petitioner. It is further submitted that the relationship between the petitioner and the victim was consensual, and she eloped with the petitioner of her own volition.
3. The bail application has been opposed by learned APP arguing that the age of the victim was 13 years at the time of alleged commission of offence. She places reliance on her school record which shows her age to be 13 years. It is further submitted that even though as per the statement



under Section 183 BNSS, the relations between the petitioner and the victim were consensual, victim was minor at the time of alleged commission of offence, and therefore, consent of the victim is of no consent in the eyes of law.

4. As per the statement of the prosecutrix recorded under Section 183 of BNSS, she had accompanied with the petitioner to Bombay where they got married, and started residing together as husband and wife. According to her they had physical relations with each other.

5. The investigating officer present in Court has shown the school record of the victim and as per which the date of birth of the victim is 21.01.2011. The age of the victim therefore was 13-14 years at the time of alleged commission of offence.

6. Notwithstanding the fact that as per the statement of the victim herself, such relationship was consensual, keeping in view the tender age of the prosecutrix at the time of commission of offence and the fact that at such age she was not in a position to give valid consent, and considering the nature and gravity of allegations qua the petitioner, I am not inclined to grant bail to the petitioner at this stage. The application is therefore dismissed.

7. However, the trial court is directed to make best possible endeavour to expedite the disposal of the case. Learned counsel for the petitioner is also directed to render his due cooperation to the trial court in this regard.

RAVINDER DUDEJA, J

MAY 5, 2025/ib