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

+ **BAIL APPLN. 1106/2025**

JAI PRAKASH

.....Petitioner

Through: Mr. Sagar and Ms. Roopal Sharma,
Advocates.

versus

STATE (GOVT. OF NCT OF DELHI) & ANRRespondents

Through: Mr. Naresh Kumar Chahar, APP for
State along with SI Jyoti and SI
Manita, PS: Mangolpuri.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

21.07.2025

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1. By way of the present application, the applicant seeks grant of regular bail in FIR No.1028/2021, registered at Police Station Mangolpuri, Delhi under Sections 363/313/366/376/370/370(A) of the Indian Penal Code, 1860 (hereafter 'IPC') and Section 6 of the Prevention of Children from Sexual Offences Act, 2012 (hereafter 'POCSO Act').

2. On the last date of hearing i.e., on 24.04.2025, the following order was passed:

“..1. By way of the present application, the applicant seeks grant of regular bail in FIR No.1028/2021, registered at Police Station Mangolpuri, Delhi under Sections 363/313/366/376/370/370(A) of the Indian Penal Code, 1860 (hereafter 'IPC') and Section 6 of the Prevention of Children from Sexual Offences Act, 2012 (hereafter 'POCSO Act').

2. Briefly stated, facts of the present case are that on 14.08.2021, the complainant, along with an official from the Women Commission, Delhi,



had gone to Police Station Mangolpuri, wherein she had disclosed that she and her sister, aged 11 years (date of birth 09.12.2008, as per the school records) had been living with their maternal grandmother (nani) since last two or more years, as her parents had continuous matrimonial disputes. The complainant further stated that her maternal grandmother had passed away a year ago. In June 2020, she had gone to Sanjay Gandhi Hospital, Delhi with her sister, and her sister had been missing since then and she had suspected a stranger to have kidnapped her sister/victim.

3. During the course of investigation, on 16.08.2021, the victim had been spotted near Bapu Park gate, Delhi, and had been later identified by the complainant also. Thereafter, the statement of the victim had been recorded by the concerned Investigation Officer (IO), wherein she had revealed that she was 19 years old, however due to late admission, her age had been reduced in her school records by mother. She had also stated that she had been sold on two occasions by her grandmother in return of financial considerations. Thereafter, her grandmother had brought her back after three days of the second arrangement. Thereafter, a few days later, her grandmother had made her marry the present applicant in return of financial consideration. She further stated that she had been living happily with the present accused and was also five months pregnant.

4. After completion of the investigation, the charge-sheet had been filed against the accused Sarbati (grandmother) and the applicant herein without arrest. On 19.11.2023, charges had been framed against the applicant herein. The proceedings under Section 82 of Cr.P.C had been initiated against the accused/applicant herein, and he had been declared as absconder on 03.06.2024. He was later on arrested and has been in judicial custody since 18.10.2024.

5. The learned counsel appearing for the applicant argues that the applicant herein has been falsely implicated in the present case. It is submitted that applicant is the legally wedded husband of victim. It is further submitted that the applicant had joined the investigation initially and had fully cooperated with the police, but thereafter, he had shifted along with his family. It is argued that the applicant had neither received any notice nor any phone call of any police official, to appear before the Court. It is argued that the applicant has not committed any wrong act and has no previous connected/involvement in any case. Therefore, it is prayed that the applicant herein be granted regular bail.

6. The learned APP for the State, on the other hand, opposes the present bail application and states that the allegations against the applicant herein are serious in nature. It is submitted that the applicant herein had earlier absconded and declared proclaimed offender. It is submitted that the



victim is no longer residing with the accused and the complainant 'G' had earlier appeared and stated that her mother 'S' had expired. It is submitted that the whereabouts of the victim are not known by the complainant 'G'.

7. This Court has heard arguments addressed on behalf of both the parties and has perused the material available on record.

8. The victim herein is admittedly not traceable. In her statement given to the Police under Section 161 of the Cr.P.C. as well as in her statement under Section 164 of Cr.P.C, she had stated that she was living happily with the accused when he was sent to the jail in the year 2021. The records are not clear regarding the age of the victim.

9. The complainant/sister of the victim is present before the Court. She admits before this Court that she had lied about her parents and grandmother's death at the time of lodging the present FIR. She also states that her real sister had been sent to Nari Niketan in the year 2021, however, she was released to the custody of the mother. She states that the mother had subsequently passed away in the year 2023.

10. This Court notes that though it is stated that the victim was released to the custody of the mother, there is no order on record to reflect the same.

11. In these circumstances, the Investigating Officer (IO) is directed to file a report as to how, when and vide which order, the victim was released to the custody of the mother.

12. In the meantime, keeping in view all the facts and circumstances mentioned hereinabove, this Court is inclined to grant interim bail to the applicant till the next date of hearing, on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the SHO/I.O concerned on the following terms and conditions:

i) The applicant shall remain available on mobile numbers; shared by him with the Police.

ii) The applicant shall not leave the country without prior permission of the concerned Court, and shall deposit his passport, if any, with the learned Trial Court.

iii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.

iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned IO/SHO as well as the learned Trial Court.

13. List on 21.07.2025.

14. The order be uploaded on the website forthwith..."



3. Issue notice. Mr. Naresh Kumar Chahar, learned APP accepts notice on behalf of the State.
4. The Investigating Officer (IO) concerned who is present before this Court states that the victim in this case is not traceable.
5. Having considered the records of the case and in view of detailed observations made in the aforesaid order, this Court is inclined to direct that the interim bail granted to the petitioner herein *vide* an order dated 24.04.2025 is made absolute on the same terms and conditions.
6. Accordingly, the present application is disposed of.
7. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 21, 2025/vc