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

+ **BAIL APPLN. 1377/2025**

JAI HIND

.....Petitioner

Through: Mr. Sanjiv K. Jha and Mr. Sachin
Bhatt, Advs.

versus

STATE NCT OF DELHI

....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State.
SI Anjali Sharma, D-3549, PS
Ambedkar Nagar.
Ms. Astha, Adv. (DHCLSC) along
with Ms. Megha Singh, Adv. for
prosecutrix.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **20.05.2025**

1. This hearing has been done through hybrid mode.
2. The present application under Section 483 of the BNSS seeks regular bail in case FIR No. 454/2024, under Sections 137(2)/65(1) of the BNS and Section 6 of the POCSO Act, registered at PS Ambedkar Nagar.
3. The facts of the present case are that on 30.08.2024, an information *vide* DD No. 34A was received at PS Ambedkar Nagar regarding kidnapping of a girl child namely, 'H'. Accordingly, statement of her mother namely, 'M', was recorded wherein she alleged that on 30.08.2024, her husband has dropped her daughter to school and at about 09:00 A.M., a call was received from her class teacher saying that her daughter had not come to school that day. Thereafter, they made an inquiry from the school guard regarding the



same, from which the complainant/mother came to know that her daughter was taken from the school by one boy on a scooty who was suspected to be the present applicant. During the investigation on 07.11.2024, the applicant along with the survivor, 'H', was traced from District Hamirpur, Uttar Pradesh. During investigation, statement of the survivor under Section 183 of the BNSS was recorded wherein she stated that she had forced the present applicant to take her away from her parents' house and after that they got married at Haridwar. It was stated that she was found to be pregnant and, therefore, MTP proceedings were conducted on 13.11.2024, at AIIMS and exhibits were sent to the FSL for DNA profiling. On completion of the investigation, charge-sheet was filed before the Court of competent jurisdiction.

4. Learned counsel appearing on behalf of the applicant submits that during her testimony in the Court, the survivor has deposed on the same lines as stated in her statement under Section 183 of the BNSS. She had stated that she had gone with the applicant out of her own will on 29.08.2024 to Haridwar and from there they had gone to Lucknow. She had further stated that she had, in fact, forced the applicant to take her away from her home as her mother had beaten her some days back. She further stated that she wanted to get married to the applicant. Mother of the survivor, who was examined as PW-5, has also deposed that her daughter had gone along with the applicant.

5. Learned counsel appearing on behalf of the survivor appointed by Delhi High Court Legal Services Committee submits that the survivor has now turned major and is presently living with her mother. She further, on instructions of the mother of the survivor, submits that they have no objection if the present applicant is granted bail as her daughter still wants to marry him.



6. Learned counsel appearing on behalf of the applicant submits that the latter also wants to get married to the survivor. Mother of the survivor, who is present in person in the Court, also confirms the same and submits that her daughter wants to get married to the present applicant.

7. As per the nominal roll dated 15.05.2025, the applicant has been in judicial custody since 08.11.2024 and has undergone incarceration for more than 6 months. It is also noted that at the time of the incident the survivor was aged about 17 years and 4 months.

8. In totality of the facts and circumstances of the present case, this Court is inclined to grant bail to the present applicant. The present application is allowed and the applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 25,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions: -

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
9. The application is allowed and disposed of accordingly.



10. Pending applications, if any, also stand disposed of.
11. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case and any observations made herein are only for the purpose of the present bail application.
12. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
13. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MAY 20, 2025/kr

[Click here to check corrigendum, if any](#)