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

+ **BAIL APPLN. 1820/2025 & CRL.M.A. 14755/2025**

HAMZA

.....Petitioner

Through: Ms. Shriya Maini and Mr. Rajive
Maini Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State with SI Renu

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

19.11.2025

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1. By way of the present application, the applicant seeks grant of anticipatory bail in case arising out of FIR bearing no. 253/2025, registered at Police Station Wazirabad, Delhi for the commission of offences punishable under Sections 64(1) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS') read with Section 4 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'POCSO Act').

2. Briefly stated, as per the complaint, the complainant had become acquainted with the accused/applicant Hamza in the year 2022, and they had remained in regular contact thereafter. It is alleged that the applicant herein had expressed his desire to marry the complainant. On 21.04.2025, at about 12:00 noon, while the complainant was on her way to coaching, the applicant had met her, taken her to Sangam Vihar, Wazirabad, Delhi, and



had allegedly established physical relations with her. During investigation, the complainant's medical examination was conducted, and her statement under Section 183 of the BNSS was recorded before the Court, wherein she supported the version set out in the FIR. She was also produced before the Child Welfare Committee (CWC). The school records obtained during investigation indicate that the complainant was 15 years and 7 months old on the date of the incident. The site plan was also prepared at her instance. It is further alleged that multiple raids were conducted at the residence of the applicant; however, he was not found. A notice under Section 35(3) of BNSS was served upon the applicant's brother, but despite the same, the applicant did not join the investigation. His anticipatory bail application was dismissed by the learned Sessions Court *vide* order dated 07.05.2025.

3. It is also stated that although the Investigating Officer (I.O.) has served the complainant/victim on three occasions to secure her presence, she has not appeared before the Court, citing one reason or the other.

4. This Court notes that, *vide* order dated 15.05.2025, the following observations were made:

“3. This Court is informed that the applicant herein has joined investigation. However, the parties before this Court have stated that they have some recordings, which are contradictory in nature, to what is being stated in the Court.

4. The victim is present in person and states that the Instagram and Snapchat ID from which the victim has allegedly engaged in conversations with the accused, as claimed by the accused/applicant, was made by the applicant himself. As far as the WhatsApp chats are concerned, the victim states that the WhatsApp number did not belong to her.

5. The concerned Investigating Officer (IO) will ensure that the phone numbers and IP addresses are verified before the next date of hearing. Further, the learned counsel appearing for the



applicant undertakes that the phone number used in this case will be handed over to the IO today itself.

7. The matter be listed for hearing on 27.05.2025.

8. Till then, the applicant shall not be arrested.”

5. Since this Court is now dealing with an application for anticipatory bail and the matter cannot remain pending indefinitely owing to the non-appearance of the complainant, the Court proceeds to hear submissions advanced by learned counsel for the applicant as well as the learned APP for the State.

6. The learned APP for the State, on instructions from the I.O., submits that the applicant has now joined the investigation and is cooperating with the I.O.; however, the victim is presently not cooperating in the investigation.

7. From the Status Report filed by the State, and in continuation of the directions issued by this Court on 15.05.2025 regarding verification of the phone numbers and IP logs associated with the alleged Instagram, Snapchat and WhatsApp accounts, this Court notes that the digital evidence collected during investigation does not *prima facie* support the allegation that the applicant had created or operated the said social media IDs. The IP logs and registration details of the two Snapchat IDs – *Aine400qeunu* and *Zaragujjar2460* – revealed that both accounts were registered with email IDs and mobile numbers unrelated to the applicant. One mobile number is shown to be registered in the name of one Zarina, and another IP address is found to be allotted to a subscriber residing at F-77, Ground Floor, Gali-10, West Guru Angad Nagar, who, as per the investigation, is a cousin of the



complainant. These details emerged during investigation prima facie do not support the allegations of the complainant recorded in the order dated 15.05.2025 that the applicant had created the said IDs.

8. In view thereof, coupled with the admitted position that the applicant has joined investigation and is cooperating with the I.O., this Court is inclined to grant anticipatory bail to the applicant. In event of arrest, the applicant shall be released 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 join investigation, as and when called by the concerned IO/SHO and shall remain available on mobile numbers; shared by him with the Police.
- ii) The applicant shall not leave country without prior permission of the concerned 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 I.O/SHO.

9. Accordingly, the present bail application stands disposed of.

10. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

NOVEMBER 19, 2025/ns

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