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

+ **BAIL APPLN. 2058/2025**

RAJESH KUMAR

.....Petitioner

Through: Mr. Nitya Sharma and Mr. Rajat
Sharma, Advocates.

versus

STATE G N C T DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP.
SI K.P. Singh, P.S. New Ashok
Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

24.07.2025

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1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in FIR No. 57/2021 dated 9th March, 2021, registered under Section 363 of the Indian Penal Code, 1860,³ at P.S. New Ashok Nagar, Delhi. The chargesheet in this case stands filed, wherein the Applicant has been charge-sheeted under Sections 363/366/376/506 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.⁴

2. The subject FIR was registered pursuant to a complaint filed by the mother of the Prosecutrix, alleging that her minor daughter had been

¹ "BNSS"

² "Cr.P.C."

³ "IPC"

⁴ "POCSO"



abducted on 8th March, 2021. The Prosecutrix was subsequently traced and produced before the Magistrate on 24th June, 2021, where her statement was recorded under Section 164 Cr.P.C. In the said backdrop, this Court, *vide* order dated 28th May, 2025, took note of the following aspects of the case:

“7. Counsel for the Applicant submit that the Applicant and the victim got married on 20th March, 2021 and are presently residing together. It is further submitted that the Applicant was previously admitted on bail, granted by the Trial Court vide order dated 7th January, 2022, and the Applicant was regularly appearing before the Court. However, on account of the Applicant’s inadvertent non-appearance on three occasions, a non bailable warrant (NBW) was issued against him. Following his continued absence, proceedings under Section 82 of CrPC were initiated, and a proclamation was issued for 28th January, 2025. The Applicant thereafter moved an application for cancellation of the proclamation, which was dismissed. He subsequently surrendered voluntarily before the Trial Court and was taken into custody from the court premises on 15th February, 2025.

8. The victim is present before the Court and states that she is 24 years of age, as on date. She affirms that she is married to the Applicant and is living with him of her own volition and does not oppose the bail application.

9. Having regard to the circumstances noted above, and particularly the fact that the Applicant had earlier been granted regular bail and was taken into custody solely on account of his non-appearance before the Trial Court, this Court is of the opinion that the Applicant is entitled to interim relief. Further, there is no allegation that the Applicant had attempted to evade arrest after the proclamation process or that he was involved in any other offence during the intervening period.”

3. On the said date, the Prosecutrix had appeared before the Court in person and confirmed that she is now a major, is married to the Applicant, and has been residing with him of her own volition. She also stated that she has no objection to the grant of bail to the Applicant.

4. Pertinently, the Applicant was on regular bail and taken into custody solely on account of his non-appearance before the Trial Court.

5. Counsel for the Applicant has given an undertaking to this Court that



there shall be no further default in appearance before the Trial Court, and that the Applicant shall cooperate fully in the proceedings.

6. Having regard to totality of the foregoing facts and circumstances and the assurance given on behalf of the Applicant, this Court is inclined to allow the application. Accordingly, the Applicant is directed to be released on regular bail, subject to the same terms and conditions as set forth in the order dated 28th May, 2025.

7. The bail application is disposed of.

SANJEEV NARULA, J

JULY 24, 2025

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