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

+ BAIL APPLN. 3135/2025

MOHD INAYAT

.....Petitioner

Through: Mr. Lakshay Joshi and Mr. Sheikh Al
Amin, Advocates.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Utkarsh, APP with SI Shalu,
P.S.: Farsh Bazar and Respondent
No.2 with her mother in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

29.10.2025

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1. First Application under Section 483 read with Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 ('BNSS') has been filed on behalf of the Petitioner/Applicant Mohd. Inayat seeking Regular Bail in FIR No.0361/2025 under Section 376 IPC & Section 6 POCSO Act, registered at Police Station: Farsh Bazar.

2. It is submitted that present proceedings are being initiated by the mother of Respondent No.2/Prosecutrix in collusion with the Police Station Farsh Bazar by leveling false, frivolous and concocted allegations. Applicant is innocent and has nothing to do with the alleged incident and has no criminal antecedents. Allegations leveled against the Applicant are false and baseless and he has been falsely implicated in the present case.

3. The brief facts resulting in seating criminal law machinery into action, as that the Petitioner/Applicant was employed in an Export Company situated in Gali No.5, Azad Nagar, wherein he met with Prosecutrix and they started talking to each other and Applicant expressed his love towards



Prosecutrix.

4. On 29.06.2023, on the occasion of Eid, Respondent No.2 visited the house of Applicant at Gali No.11, Vishwas Nagar, and on entering the room, she locked the door and they had physical relation on the pretext that the Applicant would marry her. Thereafter, physical relations were established several time.

5. Respondent No.2 got pregnant and did not disclose this fact to her family as she wanted to marry the Applicant. The Applicant brought pills for Respondent No.2 and they also visited the Hospital for abortion. On the day of reporting the incident, sister of Respondent No.2 got her pregnancy checking kit and forcefully tested the victim and found that she was pregnant for eight months. Mother of Respondent No.2 then called the PCR and present FIR got registered against the Applicant and he was arrested.

6. It is submitted that the Bail Application filed before the learned Sessions Court has been dismissed vide Order dated 21.07.2025 by noting the allegations made in the Complaint and by observing that the offence was serious in nature, as the child victim of a tender age of 14 years and at the time of registration of FIR, she was 8 months pregnant.

7. It is submitted that Respondent No.2/Prosecutrix herself has given no-objection to granting Bail to the Applicant. It has not been appreciated by the learned ASJ that the Applicant undertakes to take responsibility of Respondent No.2 and their daughter and to take them to his house.

8. **Bail is sought on the ground** that mother of Respondent No.2 has been using the law machinery for her own convenience just to pressurize the Applicant (who is a Muslim by fate) to marry her daughter (who is a Hindu).

9. The Applicant is a young boy with bright future and is permanent



resident of Delhi having deep roots in the society. He has clean past antecedents and has not been involved in any other case. He is sole bread earner of his family. **Hence, the Bail is sought.**

10. **Status Report filed on behalf of the State** be taken on record, wherein the details of the Complaint have been mentioned. It is submitted that after the registration of present FIR, MLC of Respondent No.2 was done and she was found 33-36 weeks pregnant. Statement under Section 183 B.N.S.S. has been recorded. Notice was also served to the Principal of School of Victim and as per School Record, her Date of Birth is 04.03.2009, which shows that she was 14 years old at the time of incident on 29.06.2023.

11. The accused was called in the Police Station and was arrested on 28.06.2025 in accordance with procedures and NHRC guidelines. Exhibits of the victim / Respondent No.2 were collected from GTB Hospital and sent to FSL for examination and analysis. Chargesheet has been filed against the Applicant under Sections 376/376(2)(n) IPC & Section 6 POCSO Act.

12. Learned counsel for the Petitioner/Applicant submits that he has merely stated in the Application that the Applicant always had an intention to marry Respondent No.2/victim, though it is only on account of some misunderstanding on that day, that present FIR got registered.

13. It is further clarified that even though it is written that FIR has been registered to pressurize the Applicant to marry Respondent No.2 who belongs to a different religion, but it is stated that religion is not an issue and despite their different religions, the Applicant has sincere intention to marry Respondent No.2 and also to take care of her and their female child, who has been born from their relationship.

14. It is further submitted that the Applicant shall marry Respondent No.2



in accordance with law.

15. Learned APP for the State submits that Bail Application may be considered on the settled Principles of law.

Submissions heard and record perused.

16. As per the averments made in the FIR, the Applicant and Respondent No.2 / victim got into relationship voluntarily, which continue for a period of more than two years. Knowledge of Respondent No.2's parents is evident from the fact that when Complaint was filed on 28.06.2025, the victim was already more than 8 months pregnant and now she has already delivered a female child on 30.07.2025.

17. Considering the totality of the facts and circumstances and welfare of the female child, who has born from relationship between the Applicant and Respondent No.2 and undertaking given by the Applicant that he shall marry Respondent No.2 and take care of their child, he is granted Regular Bail on the following terms and conditions:

- a) The Petitioner/Accused shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court;
- b) The Petitioner/Accused shall appear before the Court as and when the matter is taken up for hearing;
- c) The Petitioner/Accused shall provide his mobile number/ changed mobile number to the IO concerned, which shall be kept in working condition at all times;
- d) The Petitioner/Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses; and



- e) In case the Petitioner/Accused changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.
18. A copy of this Order be forwarded to concerned Jail Superintendent as well as the learned Trial Court for information and compliance.
19. The Bail Application is accordingly disposed of. Pending Application, if any, also stands disposed of.

OCTOBER 29, 2025/R

NEENA BANSAL KRISHNA, J.