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

+ **BAIL APPLN. 3239/2025**

AINUL ANSARI

.....Petitioner

Through: **Mr. Amitej Kumar Nagar, Advocate.**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Mr. Mukesh Kumar, APP for the State along with Mr. Siddharth Goyal and Mr. Vineet Awana, Advocates. SI Suruchi, PS: Fatehbpur Beri and SI Surekha, CAW Cell.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **09.10.2025**

1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ seeks regular bail in proceedings arising from FIR No. 221/2022 dated 28th August, 2022 registered under Sections 363/366/376 of the Indian Penal Code, 1860² and Section 6 of the Protection of Children from Sexual Offences Act, 2012.³

2. The case of the prosecution, in brief, is as follows:

2.1. On 27th May 2022, a general DD entry No. 117-A was recorded wherein the caller stated that his tenant's friend (the Applicant), a Muslim male, had brought a 17-year-old Hindu girl (victim) from Bihar to Delhi,

¹ "BNSS"

² "IPC"

³ "POCSO"



allegedly using fake documents.

2.2. The following day, the FIR was registered based on the victim's statement. She recounted meeting the Applicant while he was visiting her village for a wedding and stated that, after regular communication, he persuaded her to come to Delhi. She travelled with another girl, Goldy Kumari, known to the Applicant. After arriving in Delhi on 14th May 2022, she first stayed with Goldy, who then returned to Bihar. Thereafter, she began residing with the Applicant, with whom she alleges sexual relations under the pretext of marriage.

2.3. During her medical examination at AIIMS, Delhi, the victim disclosed that she had come to Delhi voluntarily and had entered into a consensual relationship with the Applicant, both expressing intent to marry. She admitted to sexual intercourse with him during this period.

2.4. The Applicant was arrested on 28th May, 2022 and remanded to judicial custody. During his police remand, an artificial mangalsutra, contraceptives, and other items were recovered from his rented accommodation and seized. The Applicant's potency was medically verified.

2.5. In her statement under Section 164 of Cr.P.C., the victim reaffirmed her intention to marry the Applicant and attributed the registration of the case to objections raised by the landlord and local residents, who allegedly assaulted both of them and ousted them from the premises.

2.6. The victim's school records verified her age to be approximately 16 years and 8 months at the time of the incident. Upon completion of investigation, chargesheet was filed under Sections 363/366/376/323/34 of IPC and Sections 6/12 of POCSO. The victim's deposition has been



recorded and testimonies of seven prosecution witnesses has been taken.

2.7. In her testimony before the court, the victim resiled from her earlier statements and alleged that she was brought to Delhi on the pretext of employment and was repeatedly sexually assaulted by the Applicant, while being threatened into silence.

3. Counsel for the Applicant submits that he has been falsely implicated in the present case. It is argued that the prosecution's case is founded solely on the statement of the victim before the Trial Court, which suffers from material contradictions and is not consistent with her earlier statements recorded under Sections 161, 164 of Cr.P.C., or medical examination, wherein she described the relationship as consensual.

4. It is further argued the victim travelled to Delhi of her own volition with an intention to marry the Applicant, and that obstacles to the relationship arose from objections of local residents rather than any coercion by the Applicant. The Applicant has no criminal antecedents, has been in custody for a substantial period, and now poses no real risk of absconding or tampering with evidence, particularly as the investigation is complete and the charge sheet has already been filed.

5. Conversely, Mr. Mukesh Kumar, APP for the State, strongly opposes the bail application. He argues that the Applicant has been charged with grave and serious offences, and there exists a real possibility of him absconding, committing similar offences, or tampering with evidence if enlarged on bail. He further asserts that the Applicant may threaten or induce the victim and other witnesses. It is submitted that the victim's testimony is clear and coherent, and any argument of consensual relationship is immaterial given that the victim was a minor at the time of the incident



and therefore, was not legally capable of consenting to a sexual relationship.

6. The Victim has also joined the proceedings and has been heard through a WhatsApp call facilitated by the Investigating Officer. She has expressed apprehension that in case the Applicant is released on bail, he may threaten her.

7. The Court has considered the aforementioned contentions. At the outset, it must be noted that at this stage, the Court is not to conduct a mini-trial based on the evidence led by the parties, nor would it be appropriate to render findings that might prejudice either side.

8. Since both sides have placed considerable reliance on the evidentiary record, a limited *prima facie* assessment is undertaken solely for deciding this application. It is observed that, at the initial stage, the victim, in her statements under Sections 161, and 164 of Cr.P.C., and during medical examination, consistently spoke of voluntary travel, described her relationship with the Applicant as consensual, including her intent to marry him and cohabitation for a considerable period. In contrast, her deposition before the Trial Court departs from that account, alleging coercion and sexual assault. These materially divergent versions introduce inconsistency within the prosecution evidence. The weight, credibility, and legal effect of these statements are matters for the Trial Court to scrutinise after the evidence is tested. For present purposes, the inconsistencies, coupled with the stage of proceedings, disclose a *prima facie* basis to grant bail, subject to conditions that protect the integrity of the trial and the interests of the victim.

9. It is noted that the trial is at an advanced stage and the victim's testimony stands recorded. Even so, the proceedings are likely to take



additional time, as the case is presently listed for consideration of charge against Ms. Goldy Kumari and Ms. Mehrul Khatun, who have been arrayed as co-accused in a supplementary chargesheet. Further, the nominal roll reflects custody of 3 years, 4 months and 2 days, and records the Applicant's conduct, both over the past year and overall, as satisfactory.

10. The apprehensions expressed by the State and the victim regarding the possibility of the Applicant absconding, threatening the victim or otherwise interfering with the ongoing proceedings can be suitably addressed by imposing stringent conditions while granting bail.

11. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.⁴ Having regard to the entirety of the circumstances, including the protracted custody undergone by the Applicant, the absence of criminal antecedents, the stage of the trial, and the prosecution material noting objections from local residents that affected the relationship, the Court considers it appropriate to release the Applicant on bail, without expressing any view on the merits.

12. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with one surety of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;

⁴ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



- b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
 - c. The Applicant shall not contact the victim or any of her family members;
 - d. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
 - e. The Applicant shall appear before the Trial Court as and when directed;
 - f. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO.
 - g. The Applicant shall not reside within 3 km radius of the residence of the victim and shall also furnish proof of his residence to the concerned IO. The Applicant shall also not move in the vicinity of the victim in any manner.
 - h. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
 - i. The Applicant shall report to the concerned PS on first Friday of every month;
13. In the event of there being any FIR/DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
14. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence



the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

15. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

OCTOBER 9, 2025/d.negi