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

+ **BAIL APPLN. 4398/2025**

TAHAKIL HUSSAIN ALIAS TOKIR

.....Petitioner

Through: Mr. Krishan Kumar, Mr. L.B. Rai,
Mr. Kartik Rai, Mr. Satvik Raj, Mr.
Vineesh Tyagi, Mr. Anubhav Kumar,
Ms. Akasha Rai and Mr. Rohit Kumar
Poddar, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP for State
with SI Suruchi PS Fatehpur Beri.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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17.11.2025

CRL.M.A. Nos. 34045-46/2025 (exemptions)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

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3. The present petition has been filed seeking regular bail in connection with FIR No. 476/2024 under Sections 137(2) of BNS registered at PS Fatehpur Beri.
4. The case set out in the present petition is that victim and accused are Muslim and governed by their personal laws. The victim was aged about 16 years at the time when she eloped with the petitioner/accused. It is stated that she had gone with the petitioner as per her own free will.



5. However, the father of the victim got FIR registered alleging kidnapping. However, later it was converted into a POCSO case attracting the provisions of Section 6 POCSO.

6. Mr. Krishan Kumar, learned counsel appearing on behalf of the petitioner submits that the FIR came to be registered on 15.08.2024 and on the very next day i.e. 16.08.2024, the marriage was solemnized between the petitioner and the victim at Mumbai. On the following day i.e. 17.08.2025 the social marriage was also organized which was attended by the families of both sides.

7. He submits that notwithstanding the said marriage, the petitioner was arrested on 15.02.2025 and since then he continues to languish in jail. He further contends that the petitioner at the time of registration of FIR was 16½ years and at present she is 03 months short of attaining majority.

8. He contends that the petitioner and the victim have also been blessed with a girl child on 02.06.2025 who is presently aged about 06 months.

9. The victim alongwith her father/complainant is present in Court.

10. On a query posed by the Court, the father of the victim submits that the accused is the son of her real sister and the marriage of the petitioner with the victim was decided when they were still at a very young age. He also affirms the factum of marriage having been solemnized between the petitioner and the victim on 16.08.2024 followed by social marriage on 17.08.2024.

11. In view of the above, issue notice. Mr. Tarang Srivastava, learned APP appearing on behalf of State accepts notice.

12. On being queried by the Court as to the factum of marriage, he on instructions from the IO who is present in Court, states that the marriage has



in fact been solemnized between the petitioner and the victim. On instructions, he further apprise the Court that the accused and the victim also have a girl child aged about 06 months from the said marriage.

13. It is also not in dispute that the antecedents of the petitioner are clean.

14. Though this Court is not putting a stamp of *imprimatur* to the marriage between the petitioner and the victim, as they have not attained the legal age of marriage. However, regard being had to the facts and circumstances noted hereinabove, this Court is of the view that the balance tilts in favour of the petitioner for granting of regular bail.

15. Accordingly, the petitioner is admitted to regular bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/JMFC/Duty JM, further subject to the following conditions:

- (a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- (b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.

16. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on merits of the case.

17. The petition is disposed of.

18. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.



19. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN, J

NOVEMBER 17, 2025

N.S. ASWAL