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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4631/2024 & CRL.M.A. 872/2025 CRL.M.A. 873/2025**

MAYA THROUGH ITS PAROKAR SULTANPetitioner

Through: **Mr. Hem C. Vashisht and Yuganshu Sharma, Adv.**

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: **Mr. Laksh Khanna, APP for the State**

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
15.01.2025

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1. The Applicant has approached this Court for grant of regular bail in FIR No. 0222/2024 dated 02.07.2024, registered at Police station Sunlight Colony, Delhi for offence punishable under Section 137(2) of Bharatiya Nyaya Sanhita, 2023 ('BNS').

Brief Facts

2. The materials placed on record disclose that the aforementioned FIR was registered based on a complaint filed by Sh. Arun Musahar, the father of the prosecutrix. In his complaint, he reported that his minor daughter, the prosecutrix, was missing. The FIR states that the prosecutrix left her home on 02.07.2024 at approximately 4:00 PM without informing anyone and did not return. It is further mentioned that the complainant made efforts to locate his daughter but was unable to trace her whereabouts.



3. The prosecutrix's father filed a writ of habeas corpus before division bench of this High Court which was registered as W.P.(CRL) 2182/2024 and in pursuance thereof the police tracked the prosecutrix and produced before the division bench on 26.07.2024.
4. Material placed on record indicates that the prosecutrix was recovered on 24.07.2024 from the residence of Sh. Pritam, the son of the Applicant, located in Village Binauta, Police Station Dhanpatganj, District Sultanpur, Uttar Pradesh ('U.P. address'). However, at the time of the recovery, neither Sh. Pritam nor the Applicant were present at the said U.P. address. A medical examination of the prosecutrix was subsequently conducted on 25.07.2024 at All India Institute of Medical Sciences, Delhi. The medical report noted that the prosecutrix had fled from her home and entered into a marriage with Sh. Pritam on 20.07.2024. The report also mentioned that there is history of consensual sexual activity but no history of physical or sexual assault. The report records that the prosecutrix refused to accept the internal medical examination at that time.
5. The prosecutrix's statement was recorded before the learned Metropolitan Magistrate-04, South-East, Saket Court Complex, New Delhi on 26.07.2024 under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"). In her statement, she alleged that Sh. Pritam had taken her to his U.P address, where the Applicant herein forcibly arranged for her marriage to Sh. Pritam. After the marriage, it is alleged that Sh. Pritam established sexual relations with the prosecutrix.
6. Based on prosecutrix statement, co-accused Pritam was arrested on 26.07.2024 and sent to Judicial Custody ('JC'), and a chargesheet was subsequently filed while he remained in custody.



7. The prosecutrix was produced before the Division Bench of this Court in the W.P. (CRL) 2182/2024 on 26.07.2024 and after seeking her opinion, the prosecutrix was sent back with her parents.

8. In the statement dated 26.07.2024 recorded under Section 180 BNSS before Sub-Inspector Kaveri Rabha of the prosecutrix stated that she had travelled to Ayodhya Railway station to meet the co-accused Pritam after independently purchasing train ticket from the Old Delhi Railway Station, Delhi on 02.07.2024. It was stated that she met co-accused Pritam at the Ayodhya Railway Station whereafter he took her to his home at the U.P. address where they were married.

9. The main charge-sheet dated 20.09.2024 was filed against the co-accused Pritam under Sections 137(2)/ 64(1)/ 87/ 61/ 3(5) of BNS and under section 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO')

10. During investigation, the marriage certificate bearing a notary stamp between co-accused Pritam and the prosecutrix was produced before the IO. The said certificate on investigation has been found to be forged. It is stated that the investigation reveal that the Applicant/accused- Maya played an active role in the preparation of the said marriage certificate.

11. It is stated that in these facts efforts were made to trace the Applicant/accused- Maya, who was untraceable. In these facts, Non-bailable warrants (NBWs) were issued against the Applicant/accused- Maya. Following a raid, the applicant was apprehended from her residence i.e., the U.P. address, on 10.11.2024 and she was sent to Judicial Custody ('JC').

12. A supplementary chargesheet dated 09.01.2025 was prepared with respect to the Applicant/accused- Maya under Sections 87/61/3(5) of BNS,



under Section 21 of POCSO and under Section 9 of Prohibition of Child Marriage Act, 2006 and the same was filed before the Trial Court thereafter.

Submissions

13. Learned counsel for the applicant submitted that the prosecutrix left her home on 02.07.2024 of her own volition and with her consent. He argued that no role can be attributed to the Applicant in the matter. It was further submitted that the prosecutrix was of legal age at the time of the marriage as per the Aadhar Card furnished by the prosecutrix, which records her date of birth as 16.10.2005, and the claim of her being a minor is an afterthought arising from prior animosity between the applicant and the prosecutrix's family.

13.1 He states that the prosecutrix and the applicant's son were in a consensual relationship, a fact known to their neighbours and the prosecutrix's family. Before the marriage, the couple were often seen together in public and had spent significant time together. The prosecutrix willingly consented to the marriage without any force or coercion. It was also argued that the prosecutrix had even threatened to commit suicide if the applicant's son refused to marry her.

13.2 He states that investigation in the matter has been concluded, and the chargesheet has already been filed. Therefore, the applicant is no longer required for investigative purposes and should be released on bail.

13.3 He states that no incriminating material was recovered from the applicant during the investigation, and her name is not even mentioned in the FIR.

14. In reply, Mr. Laksh Khanna, Additional Public Prosecutor for the State, opposed the bail application, asserting that the allegations against the



applicant are serious in nature. He highlighted that the applicant is not a permanent resident of Delhi, and there is a significant risk that her presence may not be secured during the trial proceedings.

15. He states that the applicant poses a flight risk, as is evidenced by her earlier evasion of the investigation, which necessitated the issuance of NBWs against her. It was contended that the applicant had prior knowledge that the prosecutrix was a minor at the time of the marriage and, despite this, coerced her into marrying the applicant's son.

Analysis and Findings

16. This Court has heard the submissions advanced by the learned counsels for the parties and perused the record.

17. The Nominal Roll filed along with the petition records that the Applicant as on 06.01.2025 has been in custody as a under-trial as a span of 01 Month and 27 days.

18. In the facts of the present case the FIR dated 02.07.2024 itself records that the prosecutrix left her home on 02.07.2024 on her own and her statement recorded under Section 180 BNSS records that she herself/independently purchased the train ticket from Old Delhi Railway Station and went to Ayodhya Junction, i.e. the native place of the Applicant where she was received by the co-accused Pritam son of the applicant and brought to his native home at the U.P. address. Prima facie, the Applicant had no role in the prosecutrix's travel on 02.07.2024 from Delhi to Ayodhya and further to village Binauta in U.P.

19. The Applicant has referred to a copy of the Aadhar Card issued in the name of prosecutrix, which records her date of birth as 16.10.2005 and the fact whether the Applicant was aware about the falsity of the said Aadhar



Card would be examined at the trial.

20. The Applicant after getting arrested on 10.11.2024 was straightaway sent to Judicial Custody ('JC'). The investigation has been concluded and the charge-sheet against the co-accused Pritam and supplementary chargesheet against the Applicant stands filed. The Applicant has no prior criminal antecedents and in fact was arrested from her home at the U.P. address.

21. In the facts noted hereinabove, considering the fact that trial is yet to begin and it take some time, therefore, considering the overall facts and without commenting on the merits of the case, this Court is of the opinion that the Petitioner ought to be enlarged on bail. The Petitioner is, therefore, admitted to regular bail in FIR No. 0222/2024 dated 02.07.2024, registered at PS Sunlight Colony, Delhi and is directed to be released on furnishing a personal bond in the sum of Rs. 25,000/- with one (1) surety of the like amount subject to the satisfaction of the learned Trial Court and further subject to the following conditions:

- (i) Petitioner will not leave the country without prior permission of the Trial Court.
- (ii) Petitioner shall provide his permanent address to the Trial Court, which will be verified by the concerned IO. Additionally, the Petitioner shall intimate Trial Court and to the IO by way of an affidavit regarding any change in residential address.
- (iii) Petitioner shall appear before the Trial Court as and when the matter is taken up for hearing.
- (iv) Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and



shall not be switched off or changed without prior intimation to the IO concerned.

(v) Petitioner shall not indulge in any criminal activity.

(vi) The Petitioner shall not tamper with the evidence of the case.

22. With the aforesaid directions, the present petition is disposed of.

23. Pending applications stands disposed of.

24. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

25. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

26. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
JANUARY 15, 2025/hp/AKT

Click here to check corrigendum, if any