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

+ **BAIL APPLN. 4669/2024**

**MOHD PARVEZ**

....Petitioner

Through: Mr. Mutur Rehman, Ms. Shaheen,  
Mr. Nadeem Khan, Mr. Mehnish  
Khanna, Ms. Arshi & Ms. Vedika,  
Advocates

Versus

**STATE GOVT. OF NCT OF DELHI**

.....Respondent

Through: Mr. Yudhvir Singh Chauhan,  
Advocate with SI Rooma Yadav &  
SI Darshna

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

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**26.03.2025**

1. The present Application under Section 438 *Bhartiya Nagrik Suraksha Sanhita, 2023* and Section 482 Cr.P.C. has been filed by the Petitioner seeking Anticipatory Bail in FIR No. 235/2018, under Sections 363/376/34 IPC and Section 6 of Prevention of Children from Sexual Offences Act, 2012, registered at Police Station Nangloi, Delhi.

2. *It is submitted in the Application* that as per the Complaint the alleged incident is of the year 2018. Thereafter, the co-accused married the prosecutrix and even got protection from Allahabad High Court. The co-accused i.e. husband of the Prosecutrix was employed at Petitioner's Garment Shop. However, thereafter martial disputes arose between the Co-accused and the Prosecutrix and she left the company of her husband.

3. The Petitioner has submitted that co-accused also filed a Petition



for restitution of conjugal rights before the Family Court, Muzaffar Nagar, UP.

4. The case of the Prosecution is that the Prosecutrix was recovered after six years of the registration of the FIR and her medical examination was got done. The Prosecutrix in her statement recorded under Section 161 Cr.P.C. stated that she was sexually assaulted by two persons and that at the time of alleged incident she was 17 years old and a minor.

5. The Petitioner has submitted that he was not in India and the process under Section 82 Cr.P.C. was issued against the Petitioner. He further submits that he had appeared through *Parokar* and joined proceedings before the Trial Court through VC and also joined the investigation, however, his Anticipatory Bail Application was dismissed by the learned Trial Court on 08.11.2024. Even his Application seeking recall of process under Section 84 Cr.P.C. was also dismissed by the learned Trial Court on 05.12.2024. Hence, the present Application has been filed.

6. ***In the Status Report filed on behalf of the Respondent-State*** it is mentioned that Bone Age Test of the prosecutrix was gone done on 08.11.2024 according to which her age is about 20 years. Meaning thereby, she was at the age of 18 years at the time of alleged incident. It is also stated that there is no previous involvement of accused – Petitioner.

7. The Charge-sheet against the main accused stands already filed and qua the present Applicant shall also be filed.

8. Learned Counsel for the Petitioner has submitted that Petitioner has joined investigation and no custodial interrogation is required.

9. ***In the totality of the circumstances***, the present Application is



allowed. In event of arrest, Petitioner- *Mohd. Parvez*, son of *Mohd. Abbas*, shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer on his furnishing bail bond in the sum of Rs.35,000/- with one Surety in the like amount, to the satisfaction of the Arresting Officer, subject to the following conditions:-

- (i) The Petitioner shall join the investigations, as and when called by the Investigating Officer;
- (ii) The Petitioner shall furnish his Mobile number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- (iii) The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case;
- (iv) The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
- (v) The Petitioner shall not leave the country without prior intimation to the Investigating Officer and in case he has to travel, he shall furnish his complete itinerary to the Investigating Officer/Court.

10. The present Application is accordingly disposed of in afore-noted terms.

**NEENA BANSAL KRISHNA, J**

**MARCH 26, 2025**

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