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

+ **BAIL APPLN. 491/2026&CRL.M.A. 3722/2026**

SALAM ANSARI

.....Petitioner

Through: Mr. Nazim Hussain Qureshi, Mr. Kakre
Alam, Advocates.

versus

STATE OF NCT (DELHI)

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP with SI
Braham Prakash.
Mr. Adrian Abbi, Ms. Gayatri
Nandwani, Advocates (DHCLSC) with
victim.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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15.05.2026

1. Applicant seeks regular bail in case arising out of FIR No. 194/2024 dated 08.08.2024, for commission of offence under Section 69 of *Bharatiya Nyaya Sanhita (BNS)*, 2023, registered at P.S. Hazarat Nizamuddin. Subsequently, in the charge-sheet, offences under Section 376 of IPC and Section 6 of *Protection of Children from Sexual Offences Act (POCSO)*, 2012, were added.
2. When the abovesaid application was taken up by this Court on 13.04.2026, the broad facts were recorded which are reproduced as under:-

"2. The applicant was arrested on 08.08.2024 and is in continuous incarceration since then. The trial is underway and the prosecutrix and her mother have already been examined. There is no other family member of the prosecutrix, who is required to be examined in the case in question.

3. Nominal Roll has been shown which also indicates that the applicant is in custody since 08.08.2024 and has no other previous involvement. His age as per Nominal Roll is 28 years.

4. Nominal Roll is directed to be taken on record.

5. FIR in question was registered on the basis of the complaint made by prosecutrix to P.S. Hazarat Nizamuddin in August, 2024 and at the time of lodging the report, she was 22 years of age and had claimed



that she came in contact of the accused in October, 2019, who induced her with his sweet talks and made physical relationship with her in December, 2019. He also used to tell her that he would marry her. According to her, she even got pregnant from such physical relation but the accused refused to marry her. According to her, on 25.06.2024, he took her to Nizamuddin Dargah and claimed that he had married her by saying Nikah thrice. Thereafter also, he made physical relation with her. Such complaint also indicates that prosecutrix, later on, came to know that the accused was already married and was having a wife and two children from previous marriage and it was in the abovesaid factual matrix that FIR was registered.

6. The testimony of prosecutrix as well as of her mother has been recorded and in her cross-examination, prosecutrix, very clearly, admitted that she was already married and her first marriage was solemnized in the year 2019.

7. It is not at all made clear by prosecution that as to why such a vital fact was not mentioned by prosecutrix when she reported the matter to the police. Learned counsel for the applicant submits that the accused and prosecutrix reside in the same locality and in her further cross-examination, she even admitted that she knew all his family members and, therefore, it is not possible to believe that she was not aware of the factum of the first marriage of the applicant.

8. Prosecutrix is present with her counsel and there is serious opposition to the abovesaid bail application. Learned counsel for the complainant/prosecutrix submits that even if in her earliest complaint, she did not mention about the factum of her being already married, it would not give licence to the accused to enter into physical relation, by inducing her and by cheating her on the pretext of false marriage. He submits that when her supplementary statement was recorded, she admitted that she got married in the year 2019 with one Noor Hasan and separated from him.

9. Fact, however, remains that there is no document on record which may show that there was dissolution of such previous marriage between prosecutrix and Noor Hasan.”

3. However, it was brought to the notice of this Court that, when the FIR was registered, the prosecutrix was in family way and that thereafter, she delivered a baby and there is no one to take care of such child.



4. Learned counsel for the applicant submits that he has talked to the father of the applicant as well as to the applicant and they claimed that, once the applicant is out, some arrangements would be made in this regard.

5. As already noted, the applicant is in custody since 08.08.2024 and both the material public witnesses i.e. prosecutrix and her mother, have already been examined and, therefore, there is no chance of his intimidating and influencing them as their deposition is already complete.

6. As per the nominal roll, the applicant is 28 years of age, with no other involvement in any other case and his jail conduct is noted as satisfactory.

7. Keeping in mind the overall facts of the case, *albeit*, without expressing any opinion over the merits of the case, the applicant is, hereby, directed to be released on bail on his furnishing personal bond in a sum of Rs. 25,000/- with one 'local' surety of like amount, subject to the satisfaction of learned Trial Court/CJM/Duty Magistrate with following conditions:-

(i) The applicant would provide his Mobile Number and would ensure that such Mobile Number remains active and operational, till the disposal of the case by the learned Trial Court.

(ii) The applicant would not try to come in contact of prosecutrix or his family members, directly or indirectly. However, in case, he has some proposal for the purposes of taking care of her son, it will be open to him to put a proposal in this regard before the learned Trial Court and learned Trial Court would be at liberty to take response, if any, of the prosecutrix for the abovesaid purpose.

8. The application stands disposed of in aforesaid terms.

9. In case any instance of violation of the aforesaid condition is brought to the knowledge of this Court, same may invite cancellation of the bail.

10. A copy of this Order be immediately sent to the learned Trial Court and



Jail Superintendent for information and necessary compliance.

MANOJ JAIN, J

MAY 15, 2026/sw/pb

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This is a digitally signed order.

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