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

\# **CNR No. DLHC010483842026**

\+ BAIL APPLN. 4266/2026

FAHIMUDDIN .....Petitioner

Through: Mr. L. K. Singh, Mr. Mohd. Irfan, Mr. Raj Kumar, Advs.

versus

THE STATE GOVT. OF NCT OF DELHI .....Respondent

Through: Mr. Satish Kumar, APP with Ms. Shikha Singh, Mr. Shubham Vashishth, Advs. and SI Parveen Pannu, PS New Usman Pur.

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

O R D E R

% 07.10.2026

CRL.M.A. 31525/2026 (exemption)

1. Allowed, subject to all just exceptions.

2. This application stands disposed of.

BAIL APPLN. 4266/2026

3. This is an application filed on behalf of the petitioner for grant of anticipatory bail in case FIR No. 279/2026, under Sections 137(2)/87/65(1) BNS (363/366/376(3) IPC) & Section 6 POCSO, registered at PS New Usmanpur, Delhi.

4. The learned counsel for the petitioner submits that petitioner is a victim of false implication at the hands of the father of the victim, who pressurized the petitioner so that he may not demand his money back

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from him. It is submitted that the petitioner had extended monetary help of Rs. 6 lakhs to the victim's father on the occasion of marriage of his sister, which was solemnized in April, 2025. When he pressurized the father of the victim for the return of money, he extended threat to the petitioner of false implication in a criminal case.

5. It is further submitted that the statement of the victim was recorded for the first time under Section 180 BNSS, wherein, she stated that she had gone of her own and made no allegation of any sexual assault against any person. She was medically examined at JPC Hospital, and there also, she made no allegation against anyone. Her statement under Section 183 BNSS was recorded before the Magistrate on 16th May, 2026, and in such statement, she did not allege any wrong-doing.

6. It is argued that after the release of the victim to the custody of her father, she was brain-washed and forced to give a false statement against the petitioner. The father of the victim, on 21st June, 2026, that is, after a delay of more than one month and eight days, made a false written complaint before the police, levelling false and baseless allegations against the petitioner. After two months of making such a false complaint, he produced the victim before the police, when for the first time, the victim made allegations against the petitioner under the influence of her father, and subsequently, a statement under Section 183 BNSS was recorded before the Magistrate, wherein, she supported such allegations.

7. The first anticipatory bail application of the petitioner was dismissed by the learned Sessions Court *vide* order dated 01st October,

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2026. It is submitted that the said order records that the name of the petitioner was revealed by the victim before the Child Welfare Committee on 18th May, 2026, but there is no mention of such proceedings in any of the replies filed by the IO in response to the anticipatory bail application.

8. It is further submitted that no recovery is to be affected from the possession or at the instance of the petitioner, and hence, custodial interrogation of the petitioner is not required. It is stated that the petitioner is ready and willing to join the investigation as and when required and is ready to abide by any terms and conditions imposed by this Court.

9. Issue Notice.

10. Notice accepted by the learned APP for the State. Status Report has been handed over in the Court, which is taken on record.

11. The learned APP has vehemently opposed the application, submitting that the allegations against the petitioner are grave and serious in nature, involving offences under Sections 87/65(1) BNS and Section 6 of the POCSO Act. It is submitted that the prosecutrix, who was a minor, aged about 15 years of age at the time of the occurrence, has made specific and consistent allegations against the petitioner that he threatened her, took her to Roorkee and solemnized marriage with her and thereafter established physical relations with her against her will.

12. Furthermore, the subsequent statement of the prosecutrix recorded under Section 180 BNSS on 25th August 2026, her medical examination dated 26th August, 2026 and her statement recorded under

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Section 183 BNSS on 31st August, 2026 are consistent with regard to the allegations against the petitioner.

13. It is further submitted that the victim disclosed in her statement that the petitioner took her to a hotel and stayed in the same room from 03rd May, 2026 to 14th May, 2026, which fact is corroborated from the hotel register, containing their entry and exit details and Aadhar particulars and the statements of the hotel owner and manager under Section 180 BNSS.

14. It is further submitted that during investigation, the victim and her father disclosed the residential address of the petitioner, but he was not found there, and upon inquiry, it was revealed that he had vacated the premises along with his family, without disclosing his whereabouts. It is also submitted that the another address of the petitioner at Village Ujhani, District Badaun, Uttar Pradesh was subsequently traced, but despite raids conducted there, the petitioner could not be apprehended. The learned APP thus submits that the petitioner has not cooperated with the investigation and avoided joining the investigation despite notice under Section 35(3) BNSS.

15. It is also argued that the investigation is still in progress, the whereabouts of the petitioner are yet to be ascertained and his custodial interrogation is necessary for a proper and effective investigation, including for confronting him with the material collected during investigation and for effecting the necessary recoveries. It is also submitted that, considering the gravity and nature of the alleged offences, the age of the victim and the fact that the petitioner avoided joining investigation despite repeated efforts, no

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ground is made out for granting him the discretionary relief of anticipatory bail.

16. I have considered the submissions advanced by learned counsel for the petitioner and learned APP for the State and have perused the material placed on record.

17. At this stage, the contention of the petitioner regarding the alleged monetary dispute of approximately Rs. 6 lakhs between him and the father of the prosecutrix cannot, by itself, be accepted as sufficient to discredit the subsequent allegations of the prosecutrix. It is true that in her initial statement recorded on 16th May, 2026, the prosecutrix did not make any allegation against the petitioner, however, the subsequent statement recorded under Section 180 BNSS on 25th August, 2026 and the statement under Section 183 BNSS recorded on 31st August, 2026 contain specific allegations that the petitioner had threatened her, taken her to Roorkee, forcibly married her and established physical relations with her against her will. The victim stated in her statement that because of threats from the petitioner and out of fear, she did not disclose the incident to anyone earlier.

18. The subsequent version of the prosecutrix finds support from the hotel record showing the entry and period of stay of the petitioner and the prosecutrix, along with their Aadhar particulars for the relevant period, which fact finds further corroboration from the statements of the hotel owner and manager recorded during investigation. The alleged delay and the discrepancy between the initial and subsequent versions are matters, which would be tested

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during further investigation and trial, and at this stage, cannot be treated as conclusively establishing false implication or tutoring.

19. More importantly, the investigation is still in progress, and admittedly, the petitioner has not joined the investigation despite notice, while repeated efforts to trace and apprehend him at his known and permanent addresses have remained unsuccessful. The Status report indicates that the petitioner's whereabouts are presently not known and the custodial interrogation is required for effective investigation.

20. Having regard to the age of the prosecutrix, the nature and gravity of the alleged offences under Sections 87/65(1) BNS and Section 6 POCSO Act, the material collected during investigation, the subsequent specific allegations of the prosecutrix, and the conduct of the petitioner in not joining the investigation despite notice, this Court is of the view that the petitioner has failed to make out a case for grant of the discretionary relief of anticipatory bail.

21. Accordingly, the present application is dismissed.

22. However, it is clarified that, observations made in this order are only for the purpose of disposal of the anticipatory bail application.

RAVINDER DUDEJA, J

OCTOBER 7, 2026/na

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