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

+ **BAIL APPLN. 88/2026**

HASEENA @ LADO

.....Applicant

Through: Mr. Amjad Khan, Mr. Mohd. Azhruddin and Mr. Amit Khawal, Advocates

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Raghuinder Verma, APP for the State with Ms. Upasna Bakshi and Mr. Aditya Vikram Singh, Advocates with SI Pavan Kr, PS: Sunlight Colony

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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29.04.2026

1. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with *Section 439* of the Code of Criminal Procedure, 1973 (**CrPC**), the applicant seeks grant of regular bail in proceedings arising out of FIR No.34/2017 dated 02.02.2017 registered at PS.: Sun Light Colony, Delhi under *Sections 363/376D/370/342/506* of the Indian Penal Code, 1860 and *Sections 4/6* of the Protection of Children from Sexual Offences Act, 2012 (**POCSO Act**).
2. *Briefly put*, as per prosecution, on 02.02.2017 the prosecutrix was produced at PS Sunlight Colony, Delhi by the staff of PS Hazarat Nizamuddin along with an activist from Delhi Commission for Women.



Thereafter, her statement under *Section 161 CrPC* was recorded, wherein she stated that in October 2016 she ran away from her house in Chhattisgarh and reached New Delhi railway station. There, she was lured by the co-accused Arman, who took her to a room in Sarai Kale Khan, Delhi where she met his wife, the present applicant. The accused Arman sexually assaulted her in the presence of the applicant and after two days, sold her to co-accused Pappu Yadav, who forcibly married her in a temple and thereafter repeatedly subjected her to physical and sexual abuse. Subsequently, on 28.01.2017 the prosecutrix escaped from the clutches of the Pappu Yadav and returned to Hazarat Nizamuddin Railway Station, where she was intercepted by the present applicant, who forcibly intoxicated the prosecutrix and thereafter facilitated the gang rape by other co-accused persons. Based on the aforesaid statement, the present FIR came to be registered.

3. Eventually, the present applicant was arrested on 11.04.2017.

4. In these facts, of the many grounds raised in the present application, learned counsel for the applicant praying for release of applicant on bail primarily submits that **[i]** the applicant is a young woman with no criminal antecedent and has been falsely implicated in the present case; **[ii]** the applicant is in continuous judicial custody for an inordinately long period of about *nine years*; **[iii]** though *Section 35(b)* of the POCSO Act provides that the trial be completed within a period of *one year* from the date of taking cognizance, the present trial has remained pending for several years which amounts to violation of applicant's fundamental right to speedy trial as enshrined under *Article 21* of the Constitution of India; **[iv]** around 12 witnesses out of total 33 witnesses still remained to be examined; **[v]** co-



accused Pappu Yadav and Mohd. Afroz have already been granted bail and, therefore, the applicant is entitled to the benefit of parity; **[vi]** the case of the prosecution suffers from material inconsistencies inasmuch as several public witnesses have turned hostile and not supported the prosecution case as also that there exist material contradictions in the evidence of the prosecutrix; and lastly **[vii]** as per bone ossification of the victim the higher side of the age of the victim is 18 years.

5. *Per contra*, learned APP for State has handed over the status report, which is taken on record. Relying thereon and opposing the grant of bail to the applicant, he submits that **[i]** the allegations against the applicant are serious in nature; **[ii]** applicant was an active participant in the commission of the alleged offences inasmuch as she had facilitated the acts attributed to the co-accused persons; **[iii]** trial is at the fag-end, with all material witnesses having already been examined and only formal witnesses remaining; **[iv]** the applicant stands on a different footing from that of the co-accused who have been granted bail and, as such, cannot claim parity.

6. Heard learned counsel for the parties as also perused the records.

7. No doubt, the facts and circumstances herein are grave and serious invoking *Sections 363/376D/370/342/506* of the Indian Penal Code, 1860 and *Sections 4/6* of the POCSO Act, however, it is an undeniable fact that the applicant is a *woman with clean antecedents* and more than anything else, she has been facing incarceration for almost *nine years*, and that she has not been able to get a speedy trial. Today, the trial is at the stage of prosecution evidence, when as many as *12 out of 33 witnesses* are still left



to be examined, which will seemingly take time. Resultantly, the end is not near.

8. Records reveal and there is/ are no allegations and/ or untoward pointing towards the applicant which reflect that she has tried to influence the witnesses and/ or tamper with the evidence and/ or hamper the trial at any stage during the past *nine years*.

9. Moreover, as per the Nominal Roll received, her conduct has been '*Satisfactory*'.

10. Be that as it may, there may be other various aggravating factors which may form the basis of denying bail to the applicant, however, this Court while dealing with the present bail application cannot lose sight of the cumulative effect of the factors such as long incarceration of the applicant, denial of speedy trial to her, her behaviour inside jail while facing incarceration. All the aforesaid factors gain much significance, and when coupled with the factum that the applicant is, as on date, only an accused, and is yet to be pronounced guilty, assume significance and have to be given due weightage and are thus also essential elements for consideration. All accused like the applicant are to be accorded benefit of *Article 21* of the Constitution of India which includes the right to a speedy trial, which the applicant has not been able to get, and the right to liberty, though not of the same magnitude as an ordinary citizen.

11. The Hon'ble Supreme Court has consistently held that prolonged incarceration without any likelihood of conclusion of trial in near future amounts to a violation of the fundamental right to speedy trial guaranteed under *Article 21* thereof. In ***Union of India v. K.A. Najeeb: (2021) 3 SCC 713*** the Hon'ble Supreme Court has held that once it is obvious that a



timely trial would not be possible, and the accused has suffered incarceration for a significant period of time, the courts would ordinarily be obligated to enlarge him/her on bail.

12. Similarly, in the case of ***Javed Gulam Nabi Shaikh v. State of Maharashtra : Crl.A.2787/2024***, the Supreme Court has also observed as under:-

“19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.”

13. Lastly, it has also been brought to the notice of this Court that the other co-accused persons namely Pappu Yadav and Mohd. Afroz have already been granted bail. Though the role attributed to them is different from that attributed to the applicant herein and the same, in itself, is not a determinative consideration for enlarging the applicant on bail, however, it lends some support to the cause of the applicant.

14. Accordingly, keeping in mind all the above cumulative factors in the considered opinion of this Court, the applicant is entitled to grant of a regular bail. As such, the present application is allowed. The applicant be thus released on regular bail in proceedings arising out of FIR No.34/2017 dated 02.02.2017 registered at PS.: Sun Light Colony, Delhi under Sections 363/376D/370/342/506 of the Indian Penal Code, 1860 and Sections 4/6 of the POCSO Act, upon her furnishing a personal bond in the sum of Rs.50,000/- [*Rupees Fifty Thousand Only*] along with one



surety of the like amount by a family member/ friend having no criminal case pending against him/ her and subject to the satisfaction of the Jail Superintendent, and further subject to the following conditions:

- i. Applicant shall not leave NCT of Delhi without prior permission of this Court and shall ordinarily reside at the address as per prison records. If she wishes to change his residential address, she shall immediately intimate about the same to the IO by way of an affidavit.
 - ii. Applicant shall surrender her passport, if any, to the IO, within a period of *three days*.
 - iii. Applicant shall appear before the Court as and when the matter is taken up for hearing.
 - iv. Applicant shall provide all her mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not be switch off or change the mobile number without prior intimation to the IO concerned. Mobile location be kept on at all times.
 - v. Applicant shall report to the IO at PS: Sun Light Colony once every month in the first week of the month unless leave of every such absence is obtained from the learned Trial Court.
 - vi. Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.
15. The present bail application, along with pending applications, if any, is disposed of.



16. Copy of this order be sent to the concerned Jail Superintendent for information and compliance.

17. Needless to say, expression of view(s) on the merits involved, if any, are solely for the purposes of adjudication of the present bail application and shall have no bearing on the overall case/ trial involved.

SAURABH BANERJEE, J

APRIL 29, 2026/So