$~105 and 106

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

% ***Date of Decision : 27.11.2026***

\# **CNR No.DLHC010350892026**

\+ **BAIL APPLN. 3089/2026, CRL.M.A.23334/2026**

(105) JUMAYEVA AZIZA .....Petitioner

Through: Ms. Nisha Priya Bhatia and Mr. Rakesh Kumar Yadav, Advocates.

versus

THE STATE NCT OF DELHI .....Respondent

Through: Ms. Richa Dhawan, APP for State.
Insp. Sanjay Kaushik, NR-1, Crime Branch.

\# **CNR No.DLHC010352152026**

\+ **BAIL APPLN. 3107/2026, CRL.M.A.23412/2026**

(106) MEREDOV AHMED .....Petitioner

Through: Ms. Nisha Priya Bhatia and Mr. Rakesh Kumar Yadav, Advocates.

versus

THE STATE NCT OF DELHI .....Respondent

Through: Ms. Richa Dhawan, APP for State.
Insp. Sanjay Kaushik, NR-1, Crime Branch.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (*ORAL*)

1. The applicant in BAIL APPLN. 3089/2026 and the applicant in BAIL APPLN. 3107/2026 are husband and wife. They are nationals of Turkmenistan. The applicants seek regular bail in case FIR No.148/2022 dated 22.07.2022 which was initially registered under Sections 3,4,5 of the

Immoral Traffic Prevention Act, 1956 ('ITP') at P.S Crime Branch, Delhi. Subsequently, vide order dated 15.03.2023 charges were framed. Charges were framed against the applicant in BAIL APPLN. 3089/2026 under Sections 120B, 370, 366 B and 420 of the Indian Penal Code, 1860 ('IPC'), Sections 3,4,5 of the ITP Act read with Section 120B IPC and Section 14 of the Foreigners Act, 1946. Against the applicant in BAIL APPLN. 3107/2026 charges were framed under Sections 120B and 370 IPC, Sections 3,4,5 of the ITP read with Section 120B IPC and Section 14 of the Foreigners Act, 1946.

2. The prosecution case in brief is that on 22.07.2022, upon receipt of secret information, Constable Sohanveer was deputed as a decoy customer, while ASI Rajesh was deputed as a shadow witness. It is stated that a deal was finalized for paid sex and the decoy customer was handed over Indian Currency notes for the said purpose. Thereafter, the decoy along with the shadow witness was deputed to visit premises No.B-13, 4th Floor, Panchsheel Vihar, Malviya Nagar, New Delhi. At the said premises, 10 foreign national women were produced for the purpose of paid sex. Consequently, a raid was conducted at the said premises and the concerned agents namely Mohd. Arup and Chande Sahni were apprehended at the spot.

3. The applicants were arrested on 23.07.2022 from their residence. Multiple passports and mobile phones were recovered from the applicant in BAIL APPLN. 3089/2026 and passports and one-time travel documents were recovered from the applicant in BAIL APPLN. 3107/2026.

4. One of the victims, examined as PW-1, in her deposition recorded on 15.03.2025, named and identified both the applicants. She has also been cross-examined on behalf of the applicants.

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5. Learned counsel for the applicants submits that the applicants have been in custody for more than 4 years. It is submitted that some victims have been examined.

6. The applicant in BAIL APPLN. 3107/2026 has been on bail in another FIR (FIR No. 160/2022) dated 29.08.2022 registered at Police Station Chanakyapuri, granted vide order dated 05.06.2025 passed by the learned ASJ (Spl. FTC), Patiala House Courts, New Delhi.

7. It is further submitted that the applicant in BAIL APPLN. 3089/2026 has recently lost her mother and also needs a surgery. However, relevant documents evidencing the death of the mother have not been filed by the applicant.

8. Learned APP for the State opposes the present applications.

9. She submits that the applicants are part of a network that brought foreign national women into India through Nepal. It is submitted that the applicants have no valid visa or permanent address in India. It is submitted that certain witnesses still remain to be examined. It is apprehended that it may be difficult to secure the presence of applicants at trial if they are granted bail.

10. I have considered the submissions. In my opinion, the applicants are entitled to bail for following reasons:

i. No doubt the allegations are serious. However, the evidence of PW-1 is already on record and will be tested at the trial. Prima facie, the material implicating the applicants rests, to a considerable extent, on what the witness was told by others and on the disclosures of co-accused persons. Its evidentiary worth is a matter for the trial. It cannot, by itself, be the basis for indefinitely denying bail to the

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applicants.

ii. The applicants have been in custody since 23.07.2022 i.e., more than 4 years. The charges were framed on 15.03.2023.

iii. Since then, only 8 out of 83 witnesses have been examined. Clearly, the trial will take a considerable time to conclude. In ***Javed Gulam Nabi Shaikh v. State of Maharashtra & Anr.*** (2024) 9 SCC 813, the Supreme Court observed as under:

> *"6. Having heard the learned counsel appearing for the parties and having gone through the materials on record, we are inclined to exercise our discretion in favour of the appellant herein keeping in mind the following aspects:*
> *(i) The appellant is in jail as an undertrial prisoner past four years;*
> *(ii) Till this date, the trial court has not been able to even proceed to frame charge; and*
> *(iii) As pointed out by the counsel appearing for the State as well as NIA, the prosecution intends to examine not less than eighty witnesses.*
> *7. Having regard to the aforesaid, we wonder by what period of time, the trial will ultimately conclude. Howsoever serious a crime may be, an accused has a right to speedy trial as enshrined under the Constitution of India. Over a period of time, the trial courts and the High Courts have forgotten a very well-settled principle of law that bail is not to be withheld as a punishment.*
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> ***
>
> *17. 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.*
>
> *18. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be."*

The aforesaid observations hold relevance in the present case. In such a situation where trial is unlikely to conclude anytime soon, continued

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incarceration would by itself, be punitive.

iv. Certain co-accused persons have already been granted bail in the matter. This is noted only for the sake of record. While granting bail to the co-accused Mohd. Arup on 17.07.2026, the Supreme Court directed that the said order shall not be treated as a precedent for parity. The present order rests on the applicants' own prolonged custody and the stage of the trial.

v. Further, foreign nationality of the applicants by itself cannot be a ground for denying bail. The apprehension of the prosecution that the applicants may evade these proceedings can be adequately met by imposing appropriate conditions. Insofar as the contention that the applicants do not possess valid visas is concerned, a co-ordinate Bench of this Court in ***Aziza Kilicheva v. State***, BAIL APPLN. 1872/2024, decided on 21.01.2025, while granting bail to a co-accused in the present FIR, has held as under:

> *"39. This court is of the view, that whether the passport or visa of a foreign national is valid or not, is not a matter within the scope of adjudication in a bail petition.*
> *40. Furthermore, if on being released from judicial custody after complying with the conditions of a bail order, the State seeks to take action against such person for not possessing a valid passport and/or a valid visa; and issues a direction for the person's detention or seeks to take other coercive measures as may be permissible under section 3 of the Foreigners Act and clause 5 of the Foreigners Order, in the opinion of this court, such action cannot be subject matter of adjudication in a bail petition.*
> *41. Ergo, bail proceedings relate only to the release of a person from 'judicial custody' and cannot be employed to seek release from 'executive detention'."*

vi. The Foreigners Act, 1946 has since been repealed and replaced by the Immigration and Foreigners Act, 2025, with effect from 01.09.2025. The above principle continues to hold good.

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11. Accordingly, the applicants are directed to be released on bail on furnishing a personal bond in the sum of Rs.50,000/- each, with two local sureties in the like amount to the satisfaction of the trial Court, subject to the following conditions:

a. The applicants shall not leave NCT of Delhi or travel out of the country without prior permission of the trial Court;
b. The applicants shall surrender their passports/travel documents, if any (and if not done so already), before the learned trial Court;
c. The applicants shall appear before the learned trial Court on each and every date of hearing, unless specifically exempted by the trial Court;
d. The applicants shall provide their permanent address to the learned trial Court, and also the address where they will be residing during the pendency of the case;
e. The applicants shall intimate the Investigating Officer (IO) and file an affidavit before the Trial Court regarding any change in their residential address;
f. The applicants shall furnish their mobile number to the Investigating Officer (IO)/Station House Officer (SHO) concerned, which shall be kept in working condition at all times. The mobile number shall not be changed without prior intimation to the IO during the pendency of the trial;
g. The applicants shall report to the IO as and when called for by the IO;

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h. The applicants shall not directly or indirectly contact any prosecution witness or the family members of the witnesses;

i. The applicants shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, or tamper with the evidence of the case, in any manner whatsoever;

j. The applicants shall not indulge in any criminal activity during the period of bail; and

k. The applicants shall report to the concerned SHO, on the first Monday of every month at 11:00 a.m. and shall be discharged by 12:00 noon, after recording their presence and completion of the necessary formalities.

12. It is made clear that any breach of the aforesaid conditions shall entitle the State to seek cancellation of bail.

13. It is further clarified that nothing in this order shall preclude the Central Government/Foreigners Regional Registration Officer (FRRO) from taking such action as may be permissible in law in respect of the applicants' stay in India. However, no such action shall result in the applicants being removed from the NCT of Delhi or from India without the prior permission of the learned trial Court. In the event the applicants are kept at a holding/detention centre, the concerned authority shall ensure their production before the learned trial Court on every date of hearing.

14. It is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case and the learned trial Court shall proceed with the trial uninfluenced by any observations made herein.

15. A copy of this order be sent to the Jail Superintendent concerned and

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to the FRRO, Delhi for information and necessary compliance.

16. The applications are disposed of in the above terms. Pending applications also stand disposed of.

SACHIN DATTA, J

NOVEMBER 27, 2026/r, nb

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