



2025:DHC:4206



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 22.05.2025

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BAIL APPLN. 1760/2025

AMAN SINGH @ AMAN THAKUR

.....Petitioner

Through: Mr. R.C. Tiwari and Ms. Garima
Sachdeva, Advocates

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for the
State

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. In furtherance of last order, status report was filed.
2. I have heard learned counsel for accused/applicant and learned prosecutor assisted by the IO/SI Meetu Yadav.
3. The accused/applicant seeks anticipatory bail in case FIR No. 174/2025 of PS Sangam Vihar for offence under Section 376 IPC and Section 6/21 POCSO Act. Broadly speaking, the allegation against the accused/applicant, as unfolded through the FIR lodged by the prosecutrix is as follows. The prosecutrix is residing with her maternal uncle while her mother is residing separately in Gurgaon. The prosecutrix claims herself to be minor in age and developed friendship with the accused/applicant who is a friend of her maternal uncle. The accused/applicant assured to get married



with the prosecutrix once she attained age of majority. Under the false promise of getting married, the accused/applicant developed physical relations with the prosecutrix, which led to her pregnancy. Initially, the prosecutrix did not disclose about her pregnancy to anyone but in the month of December, 2024, on developing stomachache when she was taken to hospital, the doctor disclosed her pregnancy to her maternal grandmother. When the prosecutrix spoke with the accused/applicant over phone, he refused to get married with her and even denied his being father of the child in her womb. Thereafter, the accused/applicant blocked her phone number. After delivery of her child, the prosecutrix shifted to her mother in Gurgaon. Ultimately on 17.03.2025, the prosecutrix lodged a written complaint which was registered.

4. Against the above backdrop, learned counsel for accused/applicant contended that the accused/applicant is innocent and has been falsely implicated in this case because the prosecutrix is an illegal immigrant from Bangladesh and her birth certificate could not be authenticated by the municipality. Learned counsel for accused/applicant also submitted that both maternal uncles of prosecutrix are involved in multiple cases of forgery of birth certificates and passports. Learned counsel for accused/applicant also contended that there is unexplained delay in registration of the FIR, which is in fact a counter blast to the complaint lodged against the maternal uncle of prosecutrix by mother of the accused/applicant. Learned counsel for accused/applicant emphatically claimed that since the accused/applicant never had any sexual relations with the prosecutrix, he is willing to give his blood sample for DNA analysis.



5. On the other hand, learned APP after discussing with the IO fairly submits that if the accused/applicant joins investigation, he can be granted the relief of anticipatory bail in view of the circumstances of this case mentioned above.

6. The investigator has recorded date of birth of the prosecutrix as 19.02.2010 on the basis of her birth certificate (*placed at PDF 47*). The said birth certificate, on being produced before the SDMC for verification, an endorsement was made thereon that the certificate was not issued from that office. Another copy of same birth certificate, on being produced before the Sub-Registrar of Birth and Death, an endorsement was made thereon that the record is not traceable.

7. The child was born to the prosecutrix on 12.12.2024 and complaint was lodged on 08.04.2025. There is no explanation for this delay of about 14 months after the alleged conception of child in lodging the complaint.

8. Further, the accused/applicant has also placed on record a copy of complaint dated 17.03.2025 lodged by mother of the accused/applicant with PS Sangam Vihar and various other authorities against maternal uncle of the prosecutrix, as a counter blast whereof according to the learned counsel for accused/applicant, the present FIR was got registered against him.

9. I find substance in the submissions of learned counsel for accused/applicant that this is not an ordinary case where in view of seriousness of the offence, the accused be denied anticipatory bail. Further, as mentioned above, learned prosecutor also has fairly conceded.



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10. The application is allowed and it is directed that in the event of his arrest, the accused/applicant shall be released forthwith on bail subject to his furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the IO/SHO. It is specifically directed that the accused/applicant shall not contact any of the prosecution witnesses including the prosecutrix and shall join investigation as and when directed in writing by the IO.

**GIRISH KATHPALIA
(JUDGE)**

MAY 22, 2025
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