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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2090/2025**
KUSHIPetitioner

Through: Mr. Indupal Khokhar, Ms. Neha, Ms.
Simran Khakhar & Ms. Sangita, Advs.

versus

STATE NCT OF DELHIRespondent

Through: Mr. Aman Usman, APP for the State.
SI Aditi, P.S. Burain
Ms. Bahuli Sharma, Adv. for
prosecutrix

CORAM:
HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER

% **25.06.2025**

1. The present bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the applicant seeking interim bail for 90 days in FIR No. 370/2019 under Sections 363/366/370 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') and Sections 4/6 of the Protection Of Children from Sexual Offences Act, 2012 (hereinafter referred to as 'POCSO'), registered at Police Station, Burari. Chargesheet has been filed under Sections 363/366/370/376/354A IPC, Sections 4/6 of the POCSO Act and Section 81 of the Juvenile Justice Act, 2015.

2. The learned counsel for the applicant submits that the applicant has been falsely implicated in the above case and the investigation has already been completed and also the chargesheet has been filed, therefore she is no more required for the purpose of further investigation. He further submits that



the applicant was earlier released on bail by the learned Trial Court, however, as the applicant could not appear before the learned Trial Court, Non-Bailable Warrants (NBWs) were issued against her. He submits that the applicant has two minor children; one aged around two years and the other is a new born while being in judicial custody. He further submits that the applicant is unable to look after her minor children while being in judicial custody. He prays that trial will take considerable time, and therefore, during the pendency of trial, the applicant be released bail to take care of minor sons or in the alternate, the applicant be granted interim bail for period of ninety days.

3. On the other hand, the learned APP on behalf of the State along with the learned counsel appearing for the prosecutrix vehemently opposes the present bail application on account of grave allegations being present against the applicant. The learned APP further submits that when the applicant was earlier granted regular bail, she violated the terms of her bail and failed to appear before the learned Trial Court, consequently NBWs were issued against her on 24.09.2024 and was declared proclaimed Offender, thereafter the applicant was re-arrested on 12.12.2024 and sent to judicial custody. The learned APP contends that the charges have already been framed and the trial is at the stage of Prosecution Evidence. He further submits that there is high apprehension that the applicant may again try to jump bail, if released on interim bail.

4. The learned counsel for the applicant in response to the above submissions contends that the applicant was engaged in taking care of her minor children and was unable to engage Legal counsel for filing an appropriate application due to financial constraints, resulting in proceedings under Section 82 Cr.P.C. being initiated against the applicant.



5. I have heard the submissions of the learned counsel for the applicant as well as of the learned APP for the State duly assisted by the learned counsel for the prosecutrix and perused the medical status report dated 20.06.2025 received from the concerned jail authority.

6. As per the medical status report, the applicant along with her two children is currently lodged in Central Jail No. 6. The medical status report states that at the time of her admission in jail, she was pregnant and delivered a child on 12.05.2025.

7. Keeping in view the facts and circumstances of the present case as well as the fact that the applicant is in judicial custody since 12.12.2024, the investigation has already been completed, the chargesheet has also been filed by the State, the co-accused are already on bail and the applicant is unable to properly take care of her new born child while being in judicial custody, the applicant is granted interim bail for a period of 90 days from the date of her release, on furnishing a personal bond in sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount to the satisfaction of the learned Trial Court and subject to the following conditions:

- i. The applicant shall provide her address/mobile number to the Investigating Officer(IO)/SHO concerned at the time of release, which shall be kept operative at all times during the period of interim bail;
- ii. In case of change of address and/or mobile number, the applicant shall intimate/communicate the same to the IO/SHO concerned;
- iii. The applicant shall commit no offence whatsoever during the period of her interim bail;
- iv. The Petitioner shall not tamper with evidence nor offer any inducement, threat or promise to any of the prosecution witnesses or



other persons acquainted with the facts of case; and

- v. The applicant shall not leave the NCT of Delhi without prior permission of the Court.
- 8. The application is accordingly disposed of in the aforesaid terms.
- 9. A copy of this Order be sent to the Jail Superintendent for necessary action and compliance.

RENU BHATNAGAR, J
(VACATION JUDGE)

JUNE 25, 2025

p/kz

Click here to check corrigendum, if any