

(2025) 05 DEL CK 0866
In the Delhi High Court
Case No : Bail Application NO. 961 Of 2025

Seema Khatri

APPELLANT

Vs

State (Govt. Of Nct Of Delhi) & Anr

RESPONDENT

Date of Decision : 13-05-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 183
Bharatiya Nyaya Sanhita, 2023 — Section 49, 65
Prevention of Children from Sexual Offences Act, 2012 — Section 4, 17
Immoral Traffic (Prevention) Act, 1956 — Section 5, 7
Prohibition of Child Marriage Act, 2006 — Section 10

Citation : (2025) 05 DEL CK 0866

Hon'ble Judges : Dr. Swarana Kanta Sharma, J

Bench : Single Bench

Advocate : Chanderkant Tyagi, Naresh Kumar Chahar, Ashok Kumar Chhikara,

Final Decision : Allowed

Judgement

Dr. Swarana Kanta Sharma, J

1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 718/2024, registered at Police Station Burari, Delhi for the commission of offences punishable under Sections 65/49 of Bharatiya Nyaya Sanhita, 2023, Sections 5/7 of the Immoral Traffic (Prevention) Act, 1956 and Sections 4/17 of the Prevention of Children from Sexual Offences Act, 2012 and Section 10 of Prohibition of Child Marriage Act, 2006.

2. Briefly stated, the present case was registered on 14.11.2024 on the ground that the victim/respondent no. 2 was rescued from the house of the present applicant during a raid conducted by an NGO along with the concerned SDM. The FIR was lodged at the instance of the SDM. The victim was medically examined, and her statement under Section 183 of the BNSS was recorded before the concerned Magistrate on 16.11.2024. During the course of investigation, the applicant's mobile phone was sent to the FSL, where it was found that photos of

the victim had been sent to other individuals from the applicant's phone. As per the victim's statement, she was allegedly forced into prostitution and made to have sexual relations with ten different persons over the course of ten days at the applicant's residence. It is further alleged that the applicant did not share any of the money earned with the victim.

3. The learned counsel for the applicant submits that the investigation in the case is complete and the charge sheet has already been filed. It is argued that nothing incriminating was recovered at the instance of the applicant. It is further contended that the victim, in her statement recorded under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023 [hereafter 'BNSS'], has retracted and denied all allegations previously levelled against the applicant. It is stated that the prosecution has cited approximately 20 witnesses, and charges are yet to be framed. Given that the trial will likely take considerable time, it is prayed that the applicant be released on bail.

4. The learned APP for the State, on the other hand, opposes the bail and submits that the allegations against the applicant are grave in nature. It is argued that the applicant's mobile phone was used to circulate photos of the victim to various individuals. It is further submitted that the case is at a crucial stage, charges are yet to be framed, and none of the material witnesses have been examined so far. The prosecution apprehends that if the applicant is released on bail at this stage, she may influence or intimidate witnesses, thereby adversely affecting the trial. It is, therefore, prayed that the bail application be dismissed.

5. This Court has heard arguments addressed on behalf of both the parties and has perused the material available on record.

6. Upon careful consideration of the arguments advanced and a perusal of the material on record, this Court finds that the victim, in her statement recorded before the learned Magistrate, stated that she is 19 years of age, though the prosecution states that she is a minor. She further stated that on the day the raid was conducted at the applicant's house, she did not give any incriminating statement to the police. Instead, she informed the SDM and the NGO members that her mother used to work at the applicant's house and, due to her mother's ill health, she had gone there to help. She also stated that she is married to one Rohit since the age of 17. According to her version, at the time she was apprehended, she was merely drinking a cold drink after cleaning utensils at the applicant's residence.

7. Although during investigation she had initially levelled certain allegations – including that the applicant had assured her that she would share money if she agreed to have sexual relations with others and had allegedly forced her into prostitution – she completely retracted those allegations in her subsequent statement recorded under Section 183 of BNSS before the learned Magistrate. In that statement, she categorically denied that the applicant had ever forced her

into prostitution or any other illegal activity.

8. The applicant has been in judicial custody since 15.11.2024, and the chargesheet stands filed. Considering the overall facts and circumstances of the case and the fact that the trial has yet not started, and the same will take time to conclude, this Court is inclined to grant bail to grant regular bail to the applicant herein, on her furnishing personal bond in the sum of Rs.20,000/- with one surety of the like amount, after verification of the address of the accused/applicant as well as her surety, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Court.
- ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court as well as IO/SHO concerned.
- iii) The applicant shall appear regularly before the learned Trial Court.

9. Accordingly, the present bail application stands allowed and is disposed of.

10. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

11. The judgment be uploaded on the website forthwith.