



\$~70

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

+ BAIL APPLN. 4343/2025

ANAS SAIFI

.....Petitioner

Through: Md. Imran Siddiqui, Advocate with Mr.
Waiz Islam, Mohd. Akbar Khan and Md.
Amaan Afsal, Advocates.

versus

STATE THROUGH SHO KAMLA MARKETRespondent

Through: Mr. Naresh Kumar Chahar, APP for State.
Ms. Prachi Dubey, Advocate (Amicus
Curie) for prosecutrix.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

%

23.02.2026

1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 280/2024, registered at Police Station Kamla Market, Delhi, for the commission of offences punishable under Sections 64/64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS') and Sections 4/6 of the Protection of Children from Sexual Offences Act (hereafter 'POCSO Act'), 2012.

2. Briefly stated, the facts of the present case are that on 12.07.2024 at about 08:30 PM, information was received through a secret informer that a minor girl, aged about 14 years, was allegedly being made to work in a brothel at *Kotha* No. 42, 1stFloor, Shardhanand Marg, Ajmeri Gate, Delhi,



and that an immediate rescue operation was required. Pursuant thereto, the Investigating Officer, along with other police officials and a counsellor from Manobal NGO, had reached the spot and found the minor girl in the custody of the *Kotha* In-Charge, namely Anjali @ Meena. The prosecutrix was immediately rescued and shifted to YWCA Shelter Home, New Delhi, under the supervision of the NGO counsellor. During the rescue operation, the minor prosecutrix was initially reluctant and did not furnish proper responses. However, upon being counselled by the NGO counsellor, she disclosed that about 3–4 days prior thereto, she had been brought to *Kotha* No. 42 by one Anas Saifi, the present applicant/accused, from Tikona Park, Zakir Nagar, Okhla, Delhi, and was handed over to the brothel In-charge, Ms. Anjali. Pursuant to the said disclosure, the prosecutrix was medically examined at Lok Nayak Hospital on 13.07.2024. Thereafter, on the basis of her statement, the present FIR came to be registered. During the course of investigation, her statement under Section 183 of BNSS was also duly recorded before the learned Metropolitan Magistrate, Tis Hazari Courts, Delhi.

3. It has further come on record that the prosecutrix had lost both her parents at a young age and, from about seven years of age, was sent to Delhi to work as a domestic help in the area of Zakir Nagar, Gadda Colony, where she was engaged in taking care of three minor children of a family. During her stay there, she had come into contact with one Anus Siddiqui and had developed physical relations with him. Upon the said fact coming to the knowledge of family members where she was working, she was sent back to her native village. However, after staying there briefly and following a fight with her elder sister, she had left her home and returned to Delhi. It is stated



that she had thereafter stayed with a woman in Zakir Nagar for some time and subsequently began residing at Tikona Park, where she was subjected to molestation over a period of several days by many persons visiting the park in lieu of providing her food. During this vulnerable phase, she came into contact with the present applicant/accused, Anas Saifi, who, as per her version, also established physical relations with her. The prosecutrix has alleged that the applicant/accused thereafter offered to arrange work for her and, on that pretext, took her to G.B. Road, where she was handed over to Anjali. She has stated that she was informed about the activities carried out there and was compelled to engage in sexual acts with multiple persons at Brothel House No. 42. It is further alleged that the brothel keeper, Anjali, did not permit her to leave the premises and retained the entire money earned through such forced exploitation.

4. During the course of investigation, the accused persons, namely Anjali @ Meena, Anas Siddiqui, and the present applicant Mohammad Anas Saifi, were arrested in connection with the present case.

5. The learned counsel appearing for the applicant/accused argues that the applicant has been falsely implicated in the present case and has no previous criminal antecedents. It is contended that the role attributed to him is limited in nature, inasmuch as he is alleged only to have taken the prosecutrix to the brothel and that he had no further involvement in the alleged acts of sexual exploitation committed allegedly at the brothel. It is further argued that the prosecutrix is the sole material witness and, being under the care and supervision of Nari Niketan, there exists no possibility of the applicant threatening or influencing her. The learned counsel also points out that the statements of the prosecutrix suffer from material contradictions,



thereby casting doubt on the veracity of the prosecution case. It is additionally submitted that the co-accused persons, namely Anas Siddiqui and Mohd. Quasim, have already been granted bail and thus, the present applicant is also entitled to similar relief. Lastly, it is urged that the applicant has been in judicial custody since 24.07.2024, and has cooperated with the investigation throughout. Therefore, it is prayed that the applicant/accused be released on regular bail.

6. On the other hand, the learned APP for the State strongly opposes the present bail application, and argues that the allegations levelled against the applicant/accused are grave in nature and pertain to the sexual assault and trafficking of a minor girl for commercial sexual exploitation. It is contended that the prosecutrix has consistently and categorically implicated the applicant in her statement under Section 183 of BNSS, during judicial TIP proceedings, and in her deposition before the learned Trial Court, wherein she has specifically attributed an active role to him in sexually exploiting her and trafficking her. In view of the seriousness of the allegations and the role attributed to the applicant, it is prayed that the applicant/accused be not enlarged on bail.

7. This Court has **heard** arguments addressed by learned counsel for the applicant and the learned APP for the State, and has perused the material on record.

8. After hearing arguments on behalf of the applicant and the State and perusing the material available on record, this Court finds that the allegations against the present applicant/accused are grave and serious in nature as the prosecutrix in this case was a minor girl aged about 14 years at the relevant time. The material on record *prima facie* discloses a specific and



direct role of the present applicant/ accused, that he was the one who had initially sexually assaulted the prosecutrix and had then subsequently lured her on the false pretext of arranging shelter and work for her. However, instead of helping her, he had taken advantage of her situation and had sold her to a brothel house owner at G.B. Road, where she was used for paid sex.

9. It is pertinent to note that the prosecutrix has already been examined before the learned Trial Court and has fully supported the prosecution case. She has categorically identified the present applicant as the person who had sexual assaulted her on many occasions and had thereafter trafficked her to the brothel. Her testimony before the Court remains consistent with her earlier statement recorded under Section 183 of BNSS as well as with the version disclosed during medical examination. At this stage, her deposition carries significant value and cannot be brushed aside while considering the prayer for bail.

10. As noted above, the record reveals that the victim was a minor as she was about 14 years of age at the time of alleged sexual offence. The record has revealed that since the victim herein has lost her parents at a young age and there was no place for her to stay and any family members to look after, She was forced to live in a park and she narrates that some persons who used to give her food to eat, molested her repeatedly in lieu of food given to her. The accused herein was aware about her unfortunate situation and taking advantage of the same, he had firstly sexually and emotionally exploited her and thereafter had even gone to the extent of luring her to get a job and shelter and instead took her to a Brothel house at G.B. Road and sold her to a kotha owner. The sexually exploitation that she has undergone at the *kotha* as she was forced to have sex many person every day and the entire money



was kept by the brothel owner who confined her to the *kotha* was a direct result of the act of trafficking by the present accused/applicant. The allegations thus are serious in nature and are duly supported consistently by the victim even while she was examined by the learned Trial Court. The contention that the accused is in judicial custody for about one and half years. In view of the seriousness of the offence, does not call for an order for grant of bail to the accused.

11. In this context, it is apposite to note that though Article 21 of the Constitution guarantees the right to personal liberty, which is among the most important fundamental rights of an individual. However, while considering an application for grant of bail, the Court is required to strike a careful balance between the liberty of the accused and the larger interests of the society. Where the offence alleged is heinous in nature and has serious repercussions on society at large, the Court must exercise greater caution, and in such circumstances, the grant of bail to the applicant/accused may not be warranted. The legal position in this regard has been succinctly enunciated by the Hon'ble Supreme Court in *X vs. The State of Uttar Pradesh & Anr.*, 2026 INSC 44:

“12. It is settled law that the mere filing of a chargesheet does not, by itself, preclude consideration of an application for bail. However, while assessing such an application, the Court is duty-bound to have due regard to the nature and gravity of the offence and the material collected during investigation. The offences alleged in the present case are heinous and grave involving repeated penetrative sexual assault upon a minor victim committed under armed intimidation and accompanied by recording of the acts for the purpose of blackmail. Such conduct has a devastating impact on the life of the victim and shakes the collective conscience of society.”

12. Accordingly, the present application stands dismissed.

13. It is, however, clarified that nothing expressed hereinabove shall



tantamount to an expression of opinion on the merits of the case.

14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

FEBRUARY 20, 2026/vc

GJ/RB/AP