
(2026) 03 DEL CK 0578

In the Delhi High Court

Case No : Bail Application No. 3862 Of 2025, Criminal Miscellaneous Application No. 30114, 36848 Of 2025

Mohd Sultan Alam

APPELLANT

Vs

State (Nct Of Delhi)

RESPONDENT

Date of Decision : 25-03-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 64(1), 351(2)

Citation : (2026) 03 DEL CK 0578

Hon'ble Judges : Girish Kathpalia, J

Bench : Single Bench

Advocate : Fahim A. Khan, Tabish Kamal, Sanjeev Sabharwal, Shabana Anjam

Final Decision : Allowed

Judgement

Girish Kathpalia, J

1. The accused/applicant seeks anticipatory bail in case FIR No. 348/2025 of Police Station Shaheen Bagh for offence under Section 64(1)/351(2) BNS.

1.1. For the first time, this bail application came up for hearing before the predecessor bench on 09.10.2025 and by way of detailed order, the accused/applicant was granted interim protection from arrest till next date. That order continued on date to date basis and finally, this matter was assigned to this bench on 09.01.2026 when by way of detailed order, interim protection was extended till this date.

1.2. On last date (09.01.2026), learned counsel for accused/applicant alleged that on 01.08.2025, a phone call from prosecutrix was received on the mobile phone of the accused/applicant and he recorded the conversation according to which the prosecutrix has been blackmailing him. On directions, the accused/applicant filed a pendrive of that audio conversation. That pendrive was played today in the courtroom. Since the pendrive is yet to be forensically examined, it would not be appropriate to comment on genuineness thereof.

2. Broadly speaking, the prosecution case is as follows. The FIR was registered on a complaint filed by the prosecutrix, a married lady, whose children are studying in the school where the accused/applicant is a teacher. In the month of October 2023, the accused/applicant allegedly visited residence of the prosecutrix under the pretext of giving some study material and he allegedly raped her. Again in the month of July 2024, the accused/applicant allegedly raped her. Thereafter, on 14.07.2025 the accused/applicant called up the prosecutrix and pressurized her to again indulge in sex with her. This time, the prosecutrix informed her husband and the FIR was lodged. It would also be significant to note that the prosecutrix is a member of the managing committee of the school in which the accused/applicant is employed as a teacher.

3. On behalf of accused/applicant, it is contended that the prosecutrix is a grown up lady and was in consensual relations with the accused/applicant. It is also contended that the prosecutrix being in a dominating position as member of the managing committee of the school in which the accused/applicant is employed as a teacher, it cannot be believed that the accused/applicant would have indulged in sexual relations with her without her consent.

4. Learned APP for State, having heard the audio conversation played today in court submits that genuineness of the pendrive is yet to be tested, but for present purposes, State has no strong argument to oppose this anticipatory bail application.

5. Learned counsel for prosecutrix contends that according to law laid down by the Supreme Court, statement of prosecutrix cannot be doubted by the High Court under any circumstance. It is contended by learned counsel for prosecutrix that this is not a fit case to grant anticipatory bail.

6. The pendrive, played in court today as mentioned above is yet to be tested forensically, but for present purposes it is brought on record that in the said pendrive the lady alleged to be prosecutrix admitted her fault in entering into sexual relation with the accused/applicant, though there is no material of blackmail, as alleged on last date by learned counsel for accused/applicant.

7. Going by the circumstances mentioned above, especially the employment relationship between the accused/applicant and the prosecutrix, coupled with the admitted position that the first alleged sexual encounter was way back in October 2023, after which for almost nine months, there was no such incident and even thereafter for one year there was complete silence, there being absolutely no complaint from the prosecutrix who is a grown up lady, I do not find any reason to deprive the accused/applicant liberty.

8. Therefore, this anticipatory bail application is allowed and it is directed that in the event of his arrest the accused/applicant shall be released 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 concerned.

9. The accused/applicant shall not contact the prosecutrix, in any manner, whatsoever.
10. Nothing observed in this order shall be read to the prejudice of either side at the final stage of the trial.