
(2026) 03 DEL CK 0579
In the Delhi High Court
Case No : Bail Application No. 3779 Of 2025

Shubham Sharma

APPELLANT

Vs

State Of Nct Of Delhi & Anr.

RESPONDENT

Date of Decision : 25-03-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 64(2), 89, 351(2)

Citation : (2026) 03 DEL CK 0579

Hon'ble Judges : Girish Kathpalia, J

Bench : Single Bench

Advocate : Ravi Ranjan, Sanjeev Sabharwal, Abhinav

Final Decision : Allowed

Judgement

Girish Kathpalia, J

1. The accused/applicant seeks anticipatory bail in case FIR No. 650/2025 of Police Station Adarsh Nagar for offence under Section 64(2)/89/351(2) BNS.

1.1 This bail application came up for the first hearing on 26.09.2025 before the predecessor bench and thereafter continued getting adjourned before different benches. By way of order dated 26.09.2025 itself, the predecessor bench granted interim protection to the accused/applicant from arrest and that protection continued from date to date.

1.2 On last date, the matter came up before me for the first time and after part arguments, prosecution was granted time to place on record copy of chargesheet because learned counsel for accused/applicant contended that there is no material to support the allegations of the prosecutrix as regards rape, forced abortion, drug peddling and extortion etc.

2. Broadly speaking, the prosecution case is as follows. The prosecutrix met the accused/applicant during her employment at the Urban Health and Wellness Centre, Ghaziabad, U.P, and they developed friendship. In the month of July

2024, the accused/applicant asked the prosecutrix to carry a parcel from Himachal Pradesh to Delhi, which she did and handed it over to the accused/applicant. Again in the month of December 2024, the accused/applicant asked the prosecutrix to carry a parcel from Himachal Pradesh to Delhi, but this time she could not do so in time. On account of delay in delivery of parcel, behaviour of the accused/applicant towards her became aggressive, so under suspicion, she opened the parcel and found the same containing narcotics. The prosecutrix disposed of that parcel in garbage, after which the accused/applicant started threatening her. On 25.02.2025, the accused/applicant called the prosecutrix to a hotel to discuss about the said parcel and it is the in the hotel that the accused/applicant raped her and recorded the rape in his mobile phone, threatening to release the video if she disclosed about that incident to anyone. On 28.03.2025, the prosecutrix discovered that she had become pregnant and when she confronted the accused/applicant, the latter again threatened to circulate her videos. On 04.04.2025, the accused/applicant visited workplace of the prosecutrix and demanded Rs.4,00,000/- from her towards cost of the parcel that had been disposed of by her. On 17.04.2025, the accused/applicant took her to a doctor and she was administered some substance due to which she lost consciousness. Thereafter, the accused/applicant took the prosecutrix to his residence and introduced her with his parents, who further administered medication due to which she again lost consciousness. Next morning, when she tried to escape, father of the accused/applicant followed her and showed her an obscene video of hers, threatening to circulate the same. On 18.04.2025, the prosecutrix was dropped at her home and after deleting all evidence, he returned her mobile phone to her. On 19.04.2025, the accused/applicant again took her to a clinic for another procedure of abortion and he took away all medical reports. However, those medical documents were returned by the accused/applicant to the family of the prosecutrix in presence of police.

3. In the first call today, none appeared for the accused/applicant and in this second call in post lunch session, learned counsel for accused/applicant has appeared through videoconferencing. I have heard learned counsel for accused/applicant and learned prosecutor for State assisted by IO/SI Deepika. I have also heard learned counsel for prosecutrix.

4. Learned counsel for accused/applicant, taking me through the above matrix and the previous record contends that the complaint is totally false and unbelievable. It is submitted that even prior to this complaint, the prosecutrix had lodged yet another complaint alleging completely different scenario and in that complaint she alleged that she was sexually assaulted by the accused/applicant as well as his father. It is pointed out that allegation regarding sexual assault by father of the accused/applicant is missing in the present complaint. It is also contended that similar complaint was lodged by the prosecutrix against another person in Himachal Pradesh.

5. Learned APP for State on instructions of IO submits that despite investigation, IO did not find any evidence as regards the alleged rape or forcible abortion or drug peddling or any extortion etc. Rather, it is submitted by IO that counsel for the accused/applicant showed her the similar complaint lodged against another person in Himachal Pradesh by the prosecutrix. Learned APP for State submits that in view of the above situation, there is nothing to oppose the grant of anticipatory bail.

6. Learned counsel for prosecutrix strongly opposes the anticipatory bail application, submitting that the prosecutrix has already filed a protest petition before the concerned court. It is also submitted by him that the prosecutrix did not lodge any other complaint according to his information.

7. As submitted by all present, the complaint on which FIR was registered was lodged on 04.08.2025 and the alleged incidents took place on several dates starting from June-July 2024. There is no material at all to support the allegations of the prosecutrix regarding the alleged drug peddling. Further, if in December 2024 itself she realised that she was being made to bring narcotics from Himachal Pradesh to Delhi, it remains unexplained as to why she immediately did not report the matter to police instead of disposing of the said parcel in garbage. Similarly, as regards the alleged abortion, she was taken to the doctor repeatedly, and it is not believable that she would not have collected any medical record from the doctor. As mentioned above, even IO has not been able to find any material in support of such allegation. Further, the IO submits that as per documents collected during investigation and filed with the chargesheet, the prosecutrix had visited Dr. Archana at Jyoti Clinic with complaint of only stomach ache and was administered appropriate medical treatment for that. As regards the objectionable videos, as alleged by the prosecutrix, it is submitted by IO that she had seized the mobile phone of the accused/applicant and had examined the same but did not find any objectionable video or picture of the prosecutrix. It is further submitted by the IO that the said mobile phone has been sent to FSL.

8. Considering the above circumstances, coupled with no allegation that the accused/applicant in any manner misused the interim liberty granted to him till date, I find no reason to deny him liberty. Therefore, the application is allowed and it is directed that in the event of his arrest, the accused/applicant shall be immediately released on bail, subject to his furnishing a personal bond in the sum of Rs.25,000/- 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.