



2026:DHC:8858



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 07th October, 2026

+ BAIL APPLN. 1689/2026

AAKASH

.....Petitioner

Through: Mr. Pragyesh Pratap Singh, Advocate

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Sunil Kumar Gautam, APP for
StateSI Amisha Kumar, PS Safdarjung
EnclaveMr. Vijay Thakur, Advocate for
complainant**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral):**

1. The present is a fourth bail petition filed under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") read with Section 528 of the BNSS, on behalf of the petitioner, i.e., Mr. Aakash S/o Mr. Rakesh Kumar, seeking regular bail in connection with the First Information Report ("FIR") being *FIR No. 377/2022* dated 25th September, 2022, under Sections 323/354/376 of the Indian Penal Code, 1860 ("IPC"), registered at Police Station ("PS") Safdarjung Enclave, South West District, Delhi.
2. The petitioner had earlier preferred three regular bail petitions before this Court being *BAIL APPLN. 490/2026*, *BAIL APPLN. 1964/2025* and *BAIL*



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APPLN. 1116/2023. The said petitions were dismissed as withdrawn *vide* orders dated 12th March, 2026, 09th October, 2025 and 04th September, 2023, respectively.

3. This Court is informed that upon completion of the investigation, a Supplementary Chargesheet in connection with *FIR No. 377/2022* came to filed under Sections 376/323/354/419/511 of the IPC.

4. The case being *SC 83/2023*, instituted in connection with *FIR No. 377/2022*, is pending adjudication before the Additional Sessions Judge (SC-RC), South, Saket Court, Delhi, and is presently at the stage of prosecution witness.

5. The case of the prosecution, as emerging from the material on record, is as follows:

5.1. The complainant is about 26 years of age and became acquainted with the petitioner through a mutual friend.

5.2. It is alleged that on 22nd September, 2022, she received a WhatsApp call from the petitioner who forced her to meet him but the complainant refused.

5.3. On the same day, the petitioner along with two other unknown boys (referred to as Mr. Pradeep and Mr. Harish by the petitioner) met the complainant at *Mangolpuri Bus Stand* and took her to *Pawan Guest House, Green Part Extension, New Delhi*, in the car.

5.4. It is further alleged that in the car, the petitioner sexually assaulted the complainant and told her that neither he would marry her nor would he let anybody else get physically involved with her.

5.5. After some time, another boy, namely, Mr. Narender Sandhu @ Harish, i.e., the co-accused, pulled his pant down in front of the



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complainant and started touching her inappropriately. When the complainant ran towards the bathroom, the said co-accused slammed the bathroom door on her face due to which she got injured.

5.6. Thereafter, the complainant made a complaint to the concerned PS and got the present FIR registered.

5.7. Subsequently, the statement of the complainant under Section 164 of the Criminal Procedure Code, 1973 ("CrPC"), came to be recorded, during which the complainant handed over 02 coloured photocopies of the WhatsApp chats between her and the petitioner from which it was established that he was sending messages to the complainant by impersonating himself as one Mr. Ankit Alipur, who is stated to be a friend of the complainant, and also made multiple calls through WhatsApp.

5.8. On analysing the mobile numbers, it was found that the location of all the numbers was found near the place of the incident on the date of 22nd September, 2022.

5.9. Many raids were conducted to search the petitioner, but no clue was found, and therefore, he was declared a Proclaimed Offender.

5.10. However, on 07th August, 2024, the petitioner surrendered before the Trial Court.

6. The latest Nominal Roll dated 14th July, 2026, furnished by the Jail Authorities, shows that the petitioner has undergone a total custody period of 01 year and 11 months, from 08th August, 2024, till 07th July, 2026.

7. The said Nominal Roll also discloses 05 FIRs, pending adjudication against the petitioner, which are as follows:

1.1. *FIR No. 856/2021* under Section 376 of the IPC and Section 6 of the



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Prevention of Children from Sexual Offences, Act, 2012, at PS Mangol Puri;

1.2. *FIR No. 990/2022* under Section 148/149/427/506 of the IPC at PS Karnal City;

1.3. *FIR No. 253/2023* under Section 25 of the Arms Act, PS Ram Nagar, Karnal;

1.4. *FIR No. 548/2021* under Section 148/149/307/323/506 of the IPC, at PS City Karnal;

1.5. *FIR No. 462/2019* under Section 148/149/323/427/506 of the IPC, at PS Karnal City;

2. In support of the present petition, learned counsel appearing on behalf of the petitioner submits that the petitioner has already been granted regular bail in connection with *FIR No. 856/2021*, *FIR No. 990/2022*, *FIR No. 253/2023*, *FIR No. 548/2021*, *FIR No. 462/2019* and that the same are becoming infructuous due to his custody in the present FIR.

3. He further submits that the complainant, in her own deposition, has stated that she has known the petitioner since the year 2016 and that the two intended to marry each other, but the parents of the petitioner objected to the same on account of the difference in their castes.

4. It is submitted that it has come in evidence that the complainant checked into the Guest House of her own free will. Additionally, the relationship between the complainant and the petitioner was consensual, and that both of them have attained the age of majority. Moreover, there was no material on record to suggest that any forceable physical relations took place against the will of the complainant.

5. It is further submitted that the complainant made no complaint of any



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sexual assault at the time of leaving the Guest House.

6. Learned counsel appearing for the petitioner has informed this Court that evidence of all prosecution witnesses has been recorded before the Trial Court and that the co-accused, namely, Mr. Narender Sandhu, has already been granted bail, *vide* order dated 10th February, 2026, passed by the Additional Sessions Judge (SC-RC), South, Saket Court, Delhi.

7. Opposing the present bail petition, learned Additional Public Prosecutor (“APP”) for the State has submitted that the conduct of the petitioner in the jail premises is unsatisfactory.

8. It is also submitted that the petitioner had earlier not joined the investigation and Non-Bailable Warrant (“NBW”) was issued against him. Thereafter, he was declared a Proclaimed Offender.

9. It is further submitted that the allegations against the petitioner are heinous in nature and that he has previous involvement in other criminal cases as well. Thus, if released on bail, there is real likelihood that the petitioner will threaten or influence the complainant and the witnesses.

10. Having heard learned counsels appearing for the parties, this Court notes that it has come on record that the complainant had checked in the Guest House along with the petitioner and his friends willingly and without any coercion. *PW-2*, i.e., the Manager of the Guest House has categorically deposed that the petitioner along with two boys and one girl came to his Guest House on 22nd September, 2022, and the girl, i.e., the complainant herein, provided her Aadhar Card as identity proof at the time of taking the room. *PW-2* has further deposed that he had not seen any quarrel taking place between the complainant and the petitioner.

11. This Court takes note of the deposition made by *PW-1*, i.e., the



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complainant, in the examination before the Trial Court, wherein it has been testified as follows:

- 11.1. The complainant has known the petitioner since the year 2016 and had voluntarily and willingly sat in the car on the date of the incident where the petitioner was also present.
- 11.2. The complainant had a mobile phone during the transit, while she was going in the car with the petitioner and his other friends, and did not raise any alarm or made any PCR call.
- 11.3. The complainant had her mobile phone even during their stay in the Guest House, where they reached around 02:30-03:00 PM and stayed till around 10:00 PM.
- 11.4. The complainant had no altercation with the petitioner during her stay at the Guest House.
- 11.5. The complainant had not made any complaint against anyone when she was about to leave the Guest House.
- 11.6. The complainant and the petitioner wanted to marry each other. She had even attended the marriage of the sister of the petitioner in Karnal, and the same was in the knowledge of the parents of the complainant.
12. As regards the unsatisfactory behaviour of the petitioner in the jail is concerned, it is to be noted the he has already faced punishment for the same.
13. This Court further notes that all the prosecution witnesses have already been examined before the Trial Court, and that the co-accused in connection with the present FIR, has also been granted bail.
14. Thus, considering the overall conspectus of the facts and circumstances of the present case, this Court is inclined to grant bail to the petitioner subject



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to furnishing of a personal bond in the sum of Rs. 50,000/- with one surety of the like amount, to the satisfaction of the Trial Court/Duty Magistrate, and to the following conditions:

- 14.1. The petitioner shall join the investigation as and when required by the Investigating Officer (“IO”);
- 14.2. The petitioner shall appear before the Trial Court on each and every date of hearing;
- 14.3. The petitioner shall provide his permanent address to the IO, as also the address where he is residing during the pendency of the case. The petitioner shall intimate the IO, and file an Affidavit before the Trial Court, regarding any change in his residential address;
- 14.4. The petitioner shall provide his mobile number to the concerned IO/Station House Officer (“SHO”), which shall be kept in working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the IO during the pendency of the trial;
- 14.5. The petitioner shall report to the jurisdictional PS on every Monday at 09:00 AM, and shall be released, within two hours after completion of formalities;
- 14.6. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever. The IO is directed to monitor the situation and, in the event of any complaint being made, to inquire into the same in accordance with law;
- 14.7. The petitioner shall not commit any offence during the period of



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his release.

15. The present bail petition is allowed and accordingly disposed of in the aforesaid terms.

16. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail petition, and shall neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.

17. Copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.

MINI PUSHKARNA, J

OCTOBER 7, 2026/AK/SK

Signature Not Verified

Digitally Signed
By: HARIOM SHARMA
Signing Date: 07.10.2026
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