



2026:DHC:5389



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

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*Date of Decision: 06.07.2026*

+ **BAIL APPLN. 1972/2026**

**JASWANT KUMAR RAO**

.....Petitioner

Through: Mr. Karan Verma, Advocate.

versus

**STATE GOVT. OF NCT OF DELHI**

.....Respondent

Through: Mr. Hemant Mehla, APP for State  
with Inspector Abhijeet Singh, PS  
Geeta Colony.

Mr. Harsh Prabhakar, Advocate  
(DHCLSC) for the prosecutrix.

**CORAM: JUSTICE GIRISH KATHPALIA**

**J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 338/2024 of Police Station Geeta Colony for offence under Section 376D/506 IPC.
2. Status report is not on record, which in itself reflects lack of interest on the part of the investigation agency to oppose this bail application.
3. I have heard learned counsel for accused/applicant and learned APP



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for State assisted by IO/Inspector Abhijeet Singh. I have also heard learned legal aid counsel appearing for the prosecutrix.

4. Broadly speaking, the allegation against the accused/applicant is as follows. On some day in the month of October 2023 (*date of the alleged incident not disclosed by either side*) the prosecutrix aged about 28 years was allegedly raped by her neighbour Raj aged about 20 years. The incident was reported to the police on 16.07.2024. The allegation against the present accused/applicant is that he filmed the incident of rape and circulated the same. The alleged rapist Raj has not been arrested till date while the present accused/applicant was arrested on 30.09.2024.

5. On behalf of accused/applicant, it is contended that he has been falsely booked in this case. It is contended that there is no legally admissible evidence connecting the accused/applicant with the alleged filming of the alleged rape. Further, it is pointed out by learned counsel that there is an unexplained inordinate delay in reporting of the incident. Even on being produced before the doctor, the prosecutrix stated that she did not want to be medically examined. It is further submitted by learned counsel for accused/applicant that the only evidence against him, according to prosecution, was that the alleged video clip of the alleged rape contains voice of the accused/applicant, but on forensic examination, no such voice could be identified.



6. On the other hand, learned APP for State assisted by the IO does not deny the submission that forensic examination of the alleged video clip does not connect the filming with the accused/applicant.

7. Learned counsel for prosecutrix contends that the prosecutrix in her chief-examination before the trial court has supported the prosecution case and there is no reason to reject her testimony. As regards delay in reporting of the alleged incident, it is contended by learned counsel for prosecutrix that on account of societal pressure, the prosecutrix remained silent but spoke out once the video went viral. As regards to the refusal of the prosecutrix to get herself medically examined, there was no point in her getting herself examined because the alleged incident had taken place long ago.

8. So far as the prosecutrix refusing to get herself medically examined, it is mentioned in the MLC that she did not want to get herself medically examined and also did not want to submit her clothes allegedly worn at the time of the alleged incident.

9. Presently, the only evidence against the accused/applicant is the statement of the prosecutrix who admittedly was aged about 28 years at the time of the alleged incident.

10. The other piece of evidence relied upon against the accused/applicant



is more important. The IO submits that the mobile phone of the present accused/applicant with which he allegedly filmed the rape, could not be recovered because the accused/applicant had destroyed the same. But on being called upon to show the record regarding the phone of the alleged recipient, in order to ascertain if the alleged video clip was sent from the phone of the accused/applicant, the IO states that even the alleged recipient did not produce his phone. It is submitted by the IO that PW5/Om Prakash is the person to whom the present accused/applicant had transmitted the alleged video. But even PW5 in his testimony has not supported prosecution. Admittedly, the trail of the transmission of the alleged video has not been tracked down to connect the present accused/applicant with the alleged act of filming the alleged rape and as mentioned above, the forensic evidence could not connect the present accused/applicant with the alleged filming.

11. In other words, apart from the chief-examination of the prosecutrix, there is no evidence to establish even *prima facie* that it is the present accused/applicant who filmed the alleged rape. All public witnesses are stated to have already been examined.

12. Considering the above circumstances, I find no reason to further deprive liberty to the accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to 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 Trial Court.



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13. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

**GIRISH KATHPALIA  
(JUDGE)**

**JULY 06, 2026/dr**