



2025:DHC:6697



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

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Date of Decision: 11.08.2025

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BAIL APPLN. 1615/2025 & CRL.M.A. 12801/2025

SHARMILA TYAGI

.....Petitioner

Through: Ms. Ishika Jindal, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for State with
IO/SI Shubham

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks anticipatory bail in case FIR No. 231/2025 of PS Burari for offence under Section 115(2)/318(2)/316(2)/83/60(b) of BNS. Broadly speaking, the allegation against the accused/applicant is that she acted as a mediator in a fraudulent marriage of one Sona with the complainant *de facto*, whereby the complainant *de facto* was made to part away with a substantial amount of money to Sona, who was found to have got fraudulently married in the same fashion multiple times, with the accused/applicant being the mediator.

2. On the last date, after preliminary hearing, the State was directed to



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file status report and matter was adjourned to this date, directing that till this date the accused/applicant shall not be arrested and she shall join investigation as and when directed by the IO.

3. Learned APP submits that she filed the status report but the same is lying under objections. But having examined the investigation file, I find no reason to further adjourn the matter.

4. On last date (**29.04.2025**), the interim protection from arrest was granted to the accused/applicant, observing thus:

“8. Learned counsel for accused/applicant submits that accused/applicant is ready and willing to join investigation and being a lady, she may not be sent to jail at this stage itself. Further, learned counsel for accused/applicant submits that the accused/applicant is ready to hand over her mobile phone to the IO as and when directed.

*9. On being directed, the IO/SI Shubham has handed over investigation file. But it is noticed that the same does not bear any Case Diary. **It is explained by the IO that he has not written any Case Diary and was intending to do so soon. It is quite surprising that even the interrogation sheet of the accused/applicant does not bear any date of interrogation.***

10. Considering the above circumstances, it is directed that till next date the accused/applicant shall not be arrested and she shall join investigation as and when directed by the IO in writing.”

(emphasis supplied)

5. Today, in response to a specific query, the IO/SI Shubham stated that subsequent to last order, the accused/applicant has been joining investigation but she is not cooperating. In this regard, IO showed me the interrogation



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sheet of the accused/applicant. It is often seen that the investigators plead in court that the accused/applicant “is not cooperating”. As if, it is the duty of the accused/applicant to self-incriminate. It is the investigative skills of interrogation, which are required. The accused has a right to silence.

6. More surprisingly, it is found from investigation file that there is a Case Diary dated 13.04.2025 as regards the above said interrogation of the accused/applicant. But as extracted above, on 29.04.2025 the IO had stated that he had not written any Case Diary. Evidently, the Case Diary dated 13.04.2025, to sanctify the interrogation was written subsequent to 29.04.2025. Not only this, it appears that the Case Diary dated 02.04.2025 is Diary No.058 but the very next Diary dated 13.04.2025 is Diary No.60; Diary No.59 is not even on record. Similarly, there are further missing pages of Case Diary. The Case Diary is a vital document which lends sanctity to the investigation, but the same is not reliable in this case *prima facie*.

7. However, it is made clear that none of the above observations shall have bearing on the final outcome of the trial.

8. Considering the above circumstances and also keeping in mind that the accused/applicant is a lady, I find no reason to curtail her liberty.

9. Therefore, the Anticipatory Bail Application is allowed and the accused/applicant is directed to be released on bail in the event of her arrest, subject to her furnishing a personal bond in the sum of Rs.10,000/- with one



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surety in the like amount to the satisfaction of the IO/SHO concerned. The accused/applicant shall continue to join investigation as and when directed in writing by the IO.

10. Pending application stands disposed of.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 11, 2025/ry