



2026:DHC:9242



\$~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 15.10.2026*# **CNR No. DLHC010200572026**+ **BAIL APPLN. 1784/2026**

SANJAY JAIN

.....Petitioner

Through: Mr. Laksh Khanna, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Mr. Amit Ahlawat, APP for State
with SI Shikha.Mr. Rajiv Tehlan, Mr. Abhishek
Rana, Mr. S. Garg, Mr. Pradeep and
Mr. Lalit Yadav, Advocates for
prosecutrix with prosecutrix in preson**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks anticipatory bail in case FIR No. 71/2026 of PS Keshav Puram for offence under Section 64(1) of BNS.

2. After last date, status report filed by the State has come on record. In the first call today, matter was passed over, awaiting the prosecutrix and her

*BAIL APPLN. 1784/2026**Page 1 of 7 pages***GIRISH
KATHPALIA**

Digitally signed by GIRISH KATHPALIA
DN: cn=GIRISH KATHPALIA, o=HIGH COURT OF DELHI,
2.5.4.20=8401d889b27a77b2f65fffe4fec
45569af3962c0f84835d43f97626caca,
ou=HIGH COURT OF DELHI, c=IN, email=girish.kathpalia@delhihi.org,
postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5d1
5570996d40f80c0d2ee60402c487965f80
1e26da, cn=GIRISH KATHPALIA
Date: 2026.10.15 18:12:12 +05'30'

Signature Not Verified

Digitally Signed
By: RAHUL YADAV
Signing Date: 15.10.2026
18:10:30



2026:DHC:9242



counsel. In this post-lunch session, I have heard learned counsel for accused/applicant and learned APP for State assisted by IO/SI Shikha. I have also heard at length learned counsel for prosecutrix.

3. Broadly speaking, the prosecution case as culled out of status report is as follows. In her complaint, leading to the FIR, the prosecutrix stated that she came in contact with the accused/applicant through her husband who was working as driver of the accused/applicant. According to her, the accused/applicant induced her to work for him and obtained GST registrations and bank accounts in her name. In the month of April 2021, the accused/applicant visited her residence and gave her some *prasad*, but after consuming the same, she became unconscious. Thereafter, the accused/applicant raped her and recorded her obscene video. With the help of that rape video, the accused/applicant repeatedly blackmailed her and compelled her into physical relations, threatening to circulate that video on social media and to her husband and relatives. The medical examination of the prosecutrix was carried out for the first time on 14.03.2026 in which the doctor recorded the alleged history of assault three months back. The prosecutrix was examined under Section 183 BNSS, in which statement she also stated that the accused/applicant had shifted her to a rented accommodation arranged by him prior to obtaining GST registration in her name. During the course of investigation, the prosecutrix produced the documents related to the alleged bank accounts and GST numbers. During investigation, husband of the prosecutrix also alleged that he had received in

BAIL APPLN. 1784/2026

Page 2 of 7 pages

Signature Not Verified

Digitally Signed
By: RAHUL YADAV
Signing Date: 15.10.2026
18:10:30

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: cn=GIRISH KATHPALIA, o=HIGH COURT OF DELHI,
2.5.4.20=8401d8889b27a77b2b55fffe4fec
45569af3962c0f84835d433f97626cacca,
ou=HIGH COURT OF DELHI, c=IN, postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5d15
570996b40f80c3d2ee60402c487965f801
e266a, cn=GIRISH KATHPALIA
Date: 2026.10.15 18:12:02 +05'30'



2026:DHC:9242



his mobile phone an audio-video recording through WhatsApp from the accused/applicant, on the basis of which recording the accused/applicant had been blackmailing the prosecutrix.

4. Learned counsel for accused/applicant contends that the relationship between him and the prosecutrix was purely consensual relationship and in addition to that, they also had business relationship. It is explained by learned counsel for accused/applicant that he is a proprietor of firm namely, M/s Shri Bankey Food Beverages Pvt. Ltd., which had business dealings with the proprietorship firm of the prosecutrix. It is also submitted that in relation to the said business transactions, the prosecutrix is liable to pay Rs. 55,39,000/- approximately to the accused/applicant and in order to avoid that liability, she got him involved in this false case. Learned counsel for accused/applicant submits that his wife had handed over to the IO, a pendrive containing audio recordings of conversations between the accused/applicant and the prosecutrix containing graphic details of their sexual relations.

5. Learned APP for State opposes the anticipatory bail application. However, it is submitted by learned APP that chargesheet has already been filed and according to the IO, there is no occasion now for any custodial interrogation of the accused/applicant.

6. Learned counsel for prosecutrix submits that husband of the

BAIL APPLN. 1784/2026

Page 3 of 7 pages

Signature Not Verified

Digitally Signed
By: RAHUL YADAV
Signing Date: 15.10.2026
18:10:30

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401dd889b27a77b265fffe4af
ec45569af3962c8fb4835433f97626acc
a, ou=HIGH COURT OF DELHI, CN=
7047638, postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5d
15570996b40f0bc02eeed0402c487965ff
801c266a, cn=GIRISH KATHPALIA
Date: 2026.10.15 18:11:52 +05'30'



2026:DHC:9242



prosecutrix was employed as a driver with the accused/applicant, so it is not believable that the prosecutrix would enter into any such business transaction with the accused/applicant. It is also submitted by learned counsel for prosecutrix that the documents pertaining to the alleged business transaction between the prosecutrix and the accused/applicant were found to be fake. Learned counsel for prosecutrix submits that ever since the year 2021, the accused/applicant had been blackmailing her with the help of her audio-video recording, which recording was also transmitted by him to husband of the prosecutrix. Learned counsel also submits that during the period when the accused/applicant was granted protection from arrest, he threatened the prosecutrix thrice, but the police took no action despite her complaints. It is also submitted by learned counsel for prosecutrix that she has already filed an application under Section 175(3) BNSS with the Magistrate seeking direction to register FIR against the accused/applicant for cheating and forgery of the business transactions.

7. To begin with, the alleged audio-video recording, on the basis of which the accused/applicant was allegedly blackmailing the prosecutrix, is a significant piece of evidence but the same has not seen light of the day. According to the accused/applicant, there is no such audio-video recording because the sexual relations between the accused/applicant and the prosecutrix were purely consensual. Regarding that audio-video recording, the IO submits that the same was sent by someone to the mobile phone of husband of the prosecutrix, after which the said audio-video recording was

*BAIL APPLN. 1784/2026**Page 4 of 7 pages*

Signature Not Verified

Digitally Signed
By: RAHUL YADAV
Signing Date: 15.10.2026
18:10:30

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: cn=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401d8889b27a77b2f65fffe4af
ec4556af3962c0b4835d433f97626acc
a, ou=HIGH COURT OF DELHI, c=IN,
7047638, postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5d
15570996b4080a0d3eeef9402c487965f
8b01e26fa, cn=GIRISH KATHPALIA
Date: 2026.10.15 18:11:41 +05'30'



2026:DHC:9242



deleted by the sender. The husband of the prosecutrix handed over his mobile phone in broken condition to the IO and the same has been sent to FSL. The IO also submits that the phone number of the alleged sender is not known to husband of prosecutrix.

8. It would also be important to note that the audio recordings given by wife of the accused/applicant to the IO have not been placed before this Court. Today, in the first call, while passing over the matter awaiting the prosecutrix, I had directed the IO to produce those audio recordings before me since according to learned counsel for accused/applicant, those recordings would amply establish that sexual relations between the accused/applicant and the prosecutrix were purely consensual. But even in this post-lunch session, IO has not brought those audio recordings and it is stated by her that without retaining a copy thereof, she filed the same with the chargesheet. More important is that according to the IO, when she played those recordings before the prosecutrix, the prosecutrix denied the voice in those recordings to be hers, but despite that the IO did not send those audio recordings for forensic analysis.

9. In other words, it is not only a case of almost six years delay in lodging the FIR, but even the alleged audio-video recordings which were allegedly used to blackmail the prosecutrix have not seen light of the day and on the other hand, the alleged audio recordings which allegedly establish consensual sexual relations have not been sent for forensic analysis



2026:DHC:9242



by the IO.

10. Rather, from the status report, it appears that major portion of the investigation concentrated on the business dispute between the accused/applicant and the prosecutrix. Whether or not there was a business relationship in which the prosecutrix is liable to pay more than Rs. 55,00,000/- to the accused/applicant is for the court of competent jurisdiction to examine while dealing with the complaint filed by the prosecutrix. But for present purposes, the limited relevance is that according to the accused/applicant, in order to avoid that liability, the prosecutrix has lodged false rape complaint against him. And regarding the claim of the prosecutrix that those business documents were found fake, IO disputes that claim.

11. Another vital aspect in this case is the three complaints lodged by the prosecutrix alleging that she was being threatened by or on behalf of the accused/applicant. It would be significant to note that prior to grant of protection from arrest, there was no such complaint by the prosecutrix. Further, the status report dated 21.09.2026 filed by the concerned SHO has explained in detail that each of those threat complaints were inquired into and were found to be false. Apparently, those complaints were being filed by the prosecutrix in order to ensure that the accused/applicant does not succeed in getting anticipatory bail.

BAIL APPLN. 1784/2026

Page 6 of 7 pages

Signature Not Verified

Digitally Signed
By: RAHUL YADAV
Signing Date: 15.10.2026
18:10:30

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: cn=, o=HIGH COURT OF DELHI,
2.5.4.20=8401d0889627a77b2659ffefafe
c4556fa93962c0f4b35d43597626caca,
ou=HIGH COURT OF DELHI/CID - 7047638,
postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5d1
5570999540f80c3d2ee650402c487965f80
1e26fa, cn=GIRISH KATHPALIA
Date: 2026.10.15 18:11:21 +05'30'



2026:DHC:9242



12. Considering the overall circumstances as described above, I find no reason to deprive the accused/applicant liberty.

13. Therefore, the 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. 30,000/- with one surety in the like amount to the satisfaction of the IO/SHO concerned.

14. It is specifically directed that the accused/applicant shall not try to contact the prosecutrix in any manner whatsoever.

15. It is also made clear that the observations recorded in this order shall not be read by the trial court to the prejudice of either side and the learned trial court shall take independent view on the basis of material on record.

**GIRISH
KATHPALIA**

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401dd889b27a77b2f65ffffe4a
fec45569af3962c6fb4835d435f97626ca
cca, ou=HIGH COURT OF DELHI, CID=
7047638, postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5
d15570996b40f80cbd2eee60402c4879
65ff801e26fa, cn=GIRISH KATHPALIA
Date: 2026.10.15 18:11:04 +05'30'

**GIRISH KATHPALIA
(JUDGE)**

OCTOBER 15, 2026/dr

BAIL APPLN. 1784/2026

Page 7 of 7 pages

Signature Not Verified

Digitally Signed
By: RAHUL YADAV
Signing Date: 15.10.2026
18:10:30