



2026:DHC:6998



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

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Date of Decision: 21.08.2026# **CNR No. DLHC010276032026**+ **BAIL APPLN. 2485/2026****RAJU POLIO @ SHADAB**

.....Petitioner

Through: Mr. R. C. Tiwari and Mr. Subhash
Chand, Advocates.

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for State wit
SI Reena, PS Dwarka North.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 278/2025 of PS Dwarka North for offence under Section 70(1)/115(2)/351/3(5) of BNS.
2. As regards notice to prosecutrix, the IO/SI Reena present in courtroom has submitted across the board, copy of notice as well as the General Diary entry and it is submitted by her that the prosecutrix has been evading to appear in this Court in person or through counsel. The said notice and GD entry are accepted across the board. It is submitted by the IO that despite repeated efforts, the prosecutrix has been avoiding the IO. It is stated that initially, prosecutrix stopped taking calls of the IO, so the IO called her



up from another mobile phone of her colleague, which phone the prosecutrix picked but stated that the IO should not visit her residence. Thereafter, the IO visited the residence address of the prosecutrix but that house could not be located and subsequently, the prosecutrix told the IO to send the notice on WhatsApp, so the IO did the same. None appears today on behalf of prosecutrix. In view of the aforesaid, it appears that prosecutrix is not interested in opposing this bail application.

3. Therefore, I have heard learned counsel for accused/applicant and learned APP for State.

4. Broadly speaking, allegation against the accused/applicant is as follows. The prosecutrix came in contact with the accused/applicant for the first time just 2-3 days prior to the alleged incident through Instagram and the accused/applicant offered her a job. Immediately thereafter, on the night intervening 26.07.2025 and 27.07.2025 at about 01:00 am, the prosecutrix travelled for approximately 35 km on a Rapido bike to Dwarka Mor in order to meet the accused/applicant. The accused/applicant took the prosecutrix to a lane, where another boy namely Deshraj was present. Thereafter, three of them travelled on motorcycle of the accused/applicant into a forest, where the prosecutrix was allegedly raped by those two men. It is also alleged that the accused/applicant recorded a video of the alleged incident of rape on his mobile phone. In compliance with last order, the IO has shown me a copy of the said video clip in her mobile phone.

5. In the above backdrop, learned counsel for accused/applicant



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contends that the prosecution version of the alleged rape fails to inspire confidence and that the co-accused Deshraj has already been granted anticipatory bail by a coordinate bench on 04.12.2025. Further, it is submitted by learned APP for State that Test Identification Parade (TIP) of Deshraj failed while as regards the present accused/applicant, TIP was not even conducted.

6. Learned APP for State assisted by IO opposes the bail application on the ground of gravity of offence. However, learned APP in all fairness does not dispute that the prosecutrix is not coming forward to support her allegations. It is also submitted that the accused/applicant is a registered Bad Character of the area and involved in a number of cases. In the present case, it is submitted that chargesheet has already been filed and the matter is listed for framing of charges.

7. As regards antecedents of the accused/applicant, admittedly the accused/applicant is on bail in those cases and in three of those cases, he already stands acquitted.

8. Looking into the reluctance of the prosecutrix to oppose this bail application as described above, I find substance in the submission of learned counsel for accused/applicant that the manner in which the alleged rape has been set up by prosecution fails to inspire confidence.

9. Further, even the two video clips shown to me today by the IO do not depict the alleged incident of rape. The same do not even depict the



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accused/applicant present at the spot. The said video clips are only of a lady without clothes at night in some forest area. On this aspect, learned APP for State submits that whatever be the incident, the accused/applicant should not have recorded video clips of the prosecutrix in such manner. But on this issue, the FSL report is yet to come as to whether the said video clips were clicked in the mobile phone of the accused/applicant or he received from elsewhere or the said clips have absolutely no connection with the accused/applicant. The FSL report, as is obvious, would take long time to come out and till then, on the basis of the overall circumstances, keeping the accused/applicant in jail (*he is in jail since 27.07.2025*) would not be fair.

10. Further, as mentioned above, the prosecution conducted TIP proceedings as regards co-accused Deshraj, which proceedings failed. But as regards the present accused/applicant, no TIP was conducted despite the fact that prosecutrix had met him once for the first time just 2-3 days prior to the alleged incident.

11. Besides, as mentioned in the status report also, the IO even examined the call detail records of the accused/applicant and the prosecutrix, but could not find any telephonic connectivity also between them.

12. Considering the above circumstances, I do not find any reason to deprive further 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.15,000/- with one surety in the like amount to the satisfaction of the Trial Court.



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13. It is specifically directed that the accused/applicant shall not try to contact any of the prosecution witnesses in any manner, whatsoever.

14. It is also made clear that the above observations have been recorded only while dealing with the rival contentions and the same shall not be read to the prejudice of either side by the trial court. At the final stage, the trial court shall take independent view on the basis of evidence adduced.

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

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 21, 2026/dr