



2026:DHC:4698



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

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Date of Decision: 25.05.2026

+ **BAIL APPLN. 1684/2026**

SAKSHAM KAUSHIK

.....Petitioner

Through: Mr. Deepak Tyagi, Advocate.

versus

STATE (GOVERNMENT OF NCT OF DELHI)Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
(*through video conferencing*) with
IO/SI Varsha Chaudhary.

Prosecutrix (*through video
conferencing*)

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 175/2026 of PS Mehrauli for offence under Section 64(1)/115(2)/138/351(2) BNS.

2. In furtherance of last order, status report was filed and the same has been perused by me. I have heard learned counsel for accused/applicant and learned APP for State assisted by Investigating Officer/SI Varsha



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Chaudhary. I have also heard the prosecutrix, because she opted to address personally through video conferencing.

3. Broadly speaking, the prosecution case flowing out of the FIR lodged on complaint of the prosecutrix is as follows. In the course of her postgraduate diploma in management, the prosecutrix met the accused/applicant who was studying in the same class. Gradually, friendship developed between them and eventually they got close. The accused/applicant told her that he was interested in her. In the month of February 2025, the accused/applicant started accompanying her everywhere. On one such occasion, the accused/applicant got angry and threatened to circulate a video of hers. Thereafter, the accused/applicant forcibly started living in her apartment. The accused/applicant continued to threaten her. On 18.02.2025, the accused/applicant hit her and twisted her hand, and the next day he took her to the hospital. In the end of February 2025, the accused/applicant took her to Meerut and kept hitting her on face. He threatened to cause harm to her brother as well. On one of the occasion he punched on her head and chest and tore off her top and stripped her. Thereafter, again, he stripped and clicked video, forcing her to spit and lick it. The accused/applicant also recorded her obscene video where she was forced to home sex and threatened to circulate the same.

4. Against the above backdrop, learned counsel for accused/applicant contends that none of the offences under which the FIR was registered is



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made out. Certainly, there is no allegation of any forced penetrative assault, as per learned counsel for accused/applicant, so the accused/applicant who is in jail since 17.03.2026, deserves to be released on bail.

5. Learned APP also in all fairness does not dispute that there is no allegation of forced sexual intercourse in the FIR.

6. The prosecutrix contends that she was repeatedly beaten up by the accused/applicant and he even made her spit and lick, which was video recorded by him. It is also stated by her that the FIR contains a typographical error that instead of mentioning her allegation that she was forced to “have” sex, it states that she was forced to “home” sex.

7. On last date, the Investigating Officer had stated that she had seized mobile phone of the accused/applicant but did not find any objectionable pictures or videos in the same. In response, on last date the prosecutrix stated that she could produce an audio recording in which the accused/applicant admitted his guilt. That audio recording, handed over by the prosecutrix to the Investigating Officer was played today in the courtroom, but the same does not contain any such admission on the part of the accused/applicant.



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8. However, despite the aforesaid, the prosecutrix expresses apprehension that if the accused/applicant is released on bail, he would again harass her and threaten her.

9. Considering the overall circumstances mentioned above, the application is allowed and it is directed that the accused/applicant be released on bail, subject to his furnishing a personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the learned trial court or the Duty Magistrate. It is specifically directed that the accused/applicant shall not try to contact the prosecutrix in any manner whatsoever, failing which appropriate consequences shall follow.

10. Copy of this order be transmitted to the concerned Jail Superintendent for being informed to the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

MAY 25, 2026/ry