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

Judgment delivered on: 29.05.2026

+ BAIL APPLN. 876/2026, CRL.M.A. 13283/2026, CRL.M.A.
13284/2026, CRL.M.(BAIL) 480/2026

RANDHIR KUMAR

.....Petitioner

Through: Mr. Salman Khurshid, Mr. Sacchin Puri, and Mr. Abhimanyu Bhandari, Sr. Advocates with Ms. Nattasha Garg, Ms. Azra Rehman, Mr. Anubhav Dubey, Mr. Naren Rajput, Mr. Ashwani Kumar, Mr. Akash Gehlot and Mr. Sunil Kumar, Advocates.

versus

THE STATE OF NCT OF DELHI ANR

.....Respondents

Through: Ms. Richa Dhawan, APP for State.
Insp. Annu, P.S. Neb Sarai.

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

J U D G M E N T

ANUP JAIRAM BHAMBHANI, J.

By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner seeks grant of regular bail in case FIR No.278/2025 dated 25.06.2025 registered at P.S.: Neb Sarai, Delhi, initially under sections 376/506/323/34 of the Indian Penal Code, 1860 ('IPC'). Upon conclusion of investigation, charge-sheet dated 23.08.2025 was filed



alleging offences under sections 376 of the IPC and 64(1)/69/115(2)/74/75/351/126(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS'). In essence, the FIR relates to allegations of repeated sexual assault, criminal intimidation, and physical assault by the petitioner upon the complainant at different locations.

2. Notice on this petition was issued on 27.02.2026.
3. Status report dated 16.03.2026 has been filed on behalf of the State.
4. Nominal roll dated 13.03.2026 has been requisitioned from the Jail Superintendent.
5. Pursuant to intimation sent, the complainant has also been represented in the present proceedings.
6. The petitioner has been in judicial custody since 25.02.2026, except for a brief period of interim bail for 02 days, as noted below.
7. The record further shows that investigation *qua* the principal allegations against the petitioner is complete; charge-sheet dated 23.08.2025 as well as supplementary chargesheet dated 24.11.2025 already stand filed before the learned trial court, though certain forensic reports relating to the seized electronic material are awaited, which may be filed by way of a further supplementary chargesheet.
8. The court has heard Mr. Salman Khurshid, Mr. Sacchin Puri, and Mr. Abhimanyu Bhandari, learned senior counsel appearing for the petitioner; Ms. Richa Dhawan, learned APP for the State; as also Mr. Rajesh Kumar Singh, learned counsel for the prosecutrix alongwith the prosecutrix in-person.



BRIEF BACKGROUND

9. The prosecution case, as reflected in the FIR and in the status report filed by the State, is that the FIR came to be registered on 25.06.2025 on a complaint made by the prosecutrix on 24.06.2025 alleging repeated sexual assault, criminal intimidation, physical assault and related offences at the hands of the petitioner. The prosecutrix was medically examined at AIIMS, New Delhi on 24.06.2025 and certain injuries were noted in her MLC.
10. The status report narrates that statements of the prosecutrix were recorded under sections 180 and 183 of the BNSS; site plans of the relevant places were prepared; CCTV footage from one of the locations where the offence is alleged to have been committed, namely, The Country Club (Saket Club - New Delhi), Sainik Farms, New Delhi was obtained and analyzed; and visit details concerning Yupiter Hospital, Green Park Extension, New Delhi, were also verified.
11. Pursuant to interim protection granted by the learned trial court *vidé* order dated 28.06.2025, the petitioner joined investigation and had produced his mobile phone, which was seized and sent for forensic examination.
12. The State points-out that the anticipatory bail granted to the petitioner *vidé* order dated 16.07.2025 by the learned Sessions Court was subsequently cancelled by a Co-ordinate Bench of this court *vidé* judgment dated 07.11.2025 passed in BAIL APPLN. No.2818/2025. It is also the State's submission that a Special Leave Petition bearing SLP(Crl.) No.18446/2025 preferred by the petitioner against the order



cancelling anticipatory bail was dismissed by the Supreme Court *vidé* order dated 17.11.2025.

SUBMISSIONS ON BEHALF OF THE PETITIONER

13. Learned counsel for the petitioner has submitted that the genesis of the matter is a prolonged relationship of about 05 years between the petitioner and the prosecutrix, both of whom are ‘major’ and both of whom belong to the legal profession. It has been urged, that as would be noticed in the petitioner’s written submissions, while granting anticipatory bail to the petitioner, even the learned Sessions Court had observed that there had been no prior complaint by the prosecutrix; that she used to visit the petitioner’s house and had also worked with him as his intern; and that it appeared improbable that the prosecutrix was unaware of the petitioner’s marital status.
14. Next it has been submitted, that though a Co-ordinate Bench of this court had cancelled the petitioner’s anticipatory bail on apprehensions arising from certain surrounding circumstances, those circumstances had nothing to do with the merits of the allegations of rape made by the prosecutrix, but arose from the Co-ordinate Bench’s concern that the petitioner had attempted to interfere with the judicial process. Learned counsel for the petitioner has drawn attention to the following extract of the Co-ordinate Bench’s judgment dated 07.11.2025:

“42. Although the allegations in relation to extortion require further investigation, it cannot be denied that the material relied upon by Respondent No.2 prima facie indicates that the prosecutrix received some amount and made certain demands as well. At the same time, peculiarly, no material has been placed on record to



show such threats of extortion being extended to Respondent No.2. Whether the prosecutrix was being pressured into settling the matter which led her to taking monetary consideration for diluting the case, or if the case was instituted with the sole intent of extortion cannot be determined at this juncture.

“43. Before proceeding further, this Court is constrained to note with significant dismay that the record of the present matter has been inundated with a number of transcripts and recordings to show that the other side has been making attempts to subvert the judicial process and twist law to their whims. As noted above, there appears to be some merit in the material placed on record by both sides. This Court is thus met with an uncanny conundrum where it appears that both the parties have made an absolute mockery of justice.

“44. However, insofar as the question of cancellation of bail is concerned, even if it is assumed that the prosecutrix made attempts to extort money, Respondent No.2 cannot be absolved as a bare perusal of the transcripts as well as Status Reports prima facie indicate that he has made an egregious affront to the principles of justice by attempting to pay the prosecutrix through a judicial officer, who will concededly have authoritative influence, instead of making a complaint in this regard. Furthermore, this Court also cannot excuse the clear attempts made by Respondent No.2 to skirt the direction of not contacting the prosecutrix after grant of interim protection by contacting her through Khalil.

“45. One of the main tenets to cancel bail is interference with the process of law. The circumstances brought forth in the present proceedings are so overwhelming that they have shocked the conscience of this Court and the same reflect that there is apparent interference with the administration of justice, which warrants interference with the liberty granted to Respondent No.2.

“46. As noted above, the learned Trial Court cannot be faulted for granting pre-arrest bail to Respondent No.2 as the allegations which led to registration of the FIR entitle him to such a relief on account of a multitude of factors, including the duration of the relationship between the parties as well as the improbability of the prosecutrix being ignorant of the marital status of Respondent



No.2. However, at the same time, the unbridled attempts made by Respondent No.2 to interfere with the administration of justice have to be dealt with strict hands. The allegations in the present case are not of such nature which can be shirked casually.”

15. It is pointed-out that on the merits of the matter therefore, the Co-ordinate Bench had noted *in favor* of the petitioner in that judgment.
16. On the issue concerning alleged interference with the judicial process, learned counsel have submitted that the two judicial officers whose recorded conversations have surfaced in the matter *were known to the prosecutrix* since she had interned with them and *not to the petitioner* in any manner relevant to the present controversy. It has been emphasized that it is the admitted position that the prosecutrix had interned with both judicial officers; and that *she had reached-out* to them repeatedly at odd hours, and that the officers spoke with her *in their personal capacity* since they knew the prosecutrix as their former intern and as a member of the legal fraternity, and *not in connection with any judicial proceedings pending before them.*
17. It has been argued that *neither of the said judicial officers was seized of the case* arising from the present FIR; that no judicial officer dealing with the subject FIR was ever approached; and that the engagement of the prosecutrix with the two judicial officers, initiated by her, cannot be used as a circumstance to deny liberty to the petitioner. It has further been submitted that while action on the administrative side is stated to have been initiated by the Delhi High Court against the said officers, such administrative action cannot, in law, furnish a ground to deny bail to the petitioner.



18. Learned counsel for the petitioner has further submitted that investigation in the matter is complete; that chargesheet as well as the supplementary chargesheet have already been filed; and that the Investigating Officer herself has stated before the learned Sessions Court that no further custodial interrogation of the petitioner is required. In that view of the matter, it has been urged that no purpose would be served by continuing to keep the petitioner in custody any longer.
19. It has also been submitted that the prosecutrix has now unequivocally stated that *she does not oppose the grant of regular bail* to the petitioner; that she has even given her consent and 'no-objection' to the quashing of the FIR in its entirety. In this behalf, the petitioner has relied upon Memorandum of Understanding notarized on 01.12.2025 to contend that no subsisting grievance remains as between the prosecutrix and the petitioner. Learned counsel for the petitioner have also drawn attention to order dated 26.02.2026 of the learned Sessions Court and the record of proceedings in February and April 2026 before this court, when the prosecutrix had personally appeared and reiterated her 'no-objection' to the grant of bail.
20. The petitioner has submitted that in the legal fraternity it is common for younger members to contact their seniors or former mentors for guidance in moments of difficulty, and such communications, in and of themselves, cannot be perceived as interference in the judicial process, *particularly where no presiding officer in seisin of the case has been approached*. Learned counsel for the petitioner has pointed-out that all



interactions with the two judicial officers that have been relied-on were initiated by the prosecutrix in her personal capacity *and not at the petitioner's instance*.

21. On the necessity of further incarceration, the petitioner has relied on the fact that the main chargesheet and supplementary chargesheet were both filed *without arresting* the petitioner; and the I.O. has clearly stated before the learned Sessions Court that no further custodial interrogation of the petitioner is required.
22. The petitioner has stressed the fact that he was not arrested during investigation and was taken into custody *only after* cancellation of his anticipatory bail, which is contrary to the principle that arrest must not be used punitively where the accused has co-operated and is not likely to abscond.
23. It has been pointed-out on behalf of the petitioner that he has now been in judicial custody for *more than 64 days*; and that he satisfies the 'triple test' for grant of bail. It has been submitted that the petitioner is a permanent resident of Delhi; he is a practicing advocate with deep roots in society; that he has joined investigation and had surrendered in compliance with the court's order, thereby ruling-out any possibility that he will abscond. It has further been contended that with the filing of the chargesheet and supplementary chargesheet, all documentary and digital evidence already stands collected and has been placed before the learned trial court, and therefore, there is also no possibility that the petitioner would tamper with evidence. It has also been submitted that there is no realistic risk that the petitioner would influence the



prosecutrix, who has herself settled the dispute with the petitioner and is supporting grant of bail to him.

24. The petitioner has also placed on record compelling personal circumstances: *viz.*, an ailing wife with psychiatric illness requiring supervision, 03 minor children dependent on him, aged parents and staff whose livelihood is affected, and disruption of his professional duties towards existing clients. The petitioner has submitted that in bail jurisprudence, where liberty is to be balanced against societal interest, such factors coupled with the fact that investigation in the matter is complete, weigh in favor of the petitioner's release on bail, especially when the prosecutrix has reconciled with him and does not wish to pursue the matter.

SUBMISSIONS ON BEHALF OF THE STATE

25. On the other hand, relying on their status report and the written submissions, learned APP for the State has opposed the grant of regular bail. It has been submitted that the allegations against the petitioner are serious and include forced sexual intercourse, criminal intimidation, physical assault, and exploitation of the prosecutrix on a false promise of marriage, including allegations relating to medical termination of pregnancy by the prosecutrix.
26. The State has further contended that after grant of anticipatory bail, the petitioner violated the conditions of such bail and attempted to influence the prosecutrix and other witnesses, which is what led to cancellation of anticipatory bail by a Co-ordinate Bench of this court. It has been argued, that the petitioner is shown to have abused the liberty



granted to him earlier, and that there is no material change in circumstances warranting grant of regular bail to him now.

27. Another plank of the State's opposition concerns the allegations that the petitioner has attempted to interfere in the administration of justice. The State has relied upon the observations extracted in their written submissions from the earlier judgment of the Co-ordinate Bench of this court cancelling anticipatory bail, particularly the observations where the Bench refers to audio recordings indicating that attempts were made to get the prosecutrix to dilute her case in exchange for money and other inducements, allegedly with the intercession of two judicial officers.
28. It has been further submitted by the State, that though chargesheet and supplementary charge-sheet have been filed, further investigation is still underway as regards the electronic evidence collected, including FSL analysis of certain incriminating audio recordings. The State has therefore argued, that if the petitioner were to be released on bail at this stage, there is a grave possibility that he would influence witnesses or tamper with evidence.
29. Learned APP has also submitted that the alleged settlement between the petitioner and the prosecutrix is itself under a cloud, since the prosecutrix had earlier approached this court alleging that she was being put under threat, inducement and pressure to compromise the case. According to the State, a 'no-objection' of the prosecutrix in a serious offence of this nature cannot be the sole basis for exercise of discretion for granting bail to the petitioner.



30. The State has submitted that when the petitioner's SLP challenging the cancellation of anticipatory bail by the Co-ordinate Bench, was dismissed by the Supreme Court, and he was granted liberty to surrender to custody and then apply for regular bail, the petitioner did not do so within the 02 week period granted by the Supreme Court, which shows that he is not law-abiding.
31. The State has further submitted that the petitioner is a habitual offender, pointing to his past involvement in two other rape FIRs (though he was acquitted in both); and it has been argued that the petitioner's conduct shows a pattern. It has also been urged that since the petitioner is the prosecutrix's senior in the legal profession, it heightens the State's concern that the petitioner would influence and pressurize the prosecutrix and other witnesses. The State has denied that the relationship between the parties was consensual throughout, and it has been contended that the prosecutrix's complaint makes specific allegations of non-consensual acts and exploitation on false promise of marriage.
32. Most significantly, the State has relied on what it terms "glaring" allegations of interference with the administration of justice, *viz.*, that two judicial officers have attempted to pressurize the prosecutrix to dilute her case; and that this has allegedly been done at the petitioner's behest. The State has cited earlier High Court findings noting that *prima-facie* the audio recording of conversations with "Judicial Officer-1" refers to an amount of Rs.30 lacs to be kept ready to pay the prosecutrix, and to offers of employment being made to her, submitting



that unbridled attempts were being made to interfere with justice, which conduct had shocked the conscience of the court.

DISCUSSION & CONCLUSIONS

33. The court has considered the rival submissions of the parties. At the outset, it requires to be noticed that the present petition has been filed seeking regular bail and not for adjudication of the prosecution case on merits. At this stage, the court is required to assess whether continued incarceration of the petitioner is *necessary* having regard to the stage of the proceedings, the nature of the allegations, the material collected after investigation, tested on the well-settled principles governing grant of bail.
34. Insofar as the offence which is the subject matter of the FIR is concerned, the record placed before this court shows that the petitioner and the prosecutrix are both 'major'. The record also shows that the prosecutrix has now stated that she does not oppose the grant of bail to the petitioner; and she has also furnished her consent and 'no-objection' to the quashing of the FIR in its entirety.
35. This court is conscious that in offences alleging rape or sexual assault, the consent of the prosecutrix to grant of bail or even her support to a settlement, cannot by itself be dispositive of the matter. At the same time, the stand taken by the prosecutrix is undoubtedly a relevant circumstance while *assessing the necessity of continued custody* of the accused, particularly where the parties are both adults and are supposed to have been in a relationship for several years, and the prosecutrix



does not appear, at least from the circumstances, to be a vulnerable individual.

36. In his submissions, the petitioner has also referred to the observations of the learned Sessions Court while granting him anticipatory bail, including the observation that the parties had been in a prolonged relationship of about 05 years; that the prosecutrix used to visit the petitioner's house; that she had worked with him as his intern; and that it appeared improbable that she remained unaware of his marital status. These observations, though not determinative of the merits, do lend support to the submission that the present case arises from a relationship between adults.
37. The aforesaid position notwithstanding, the aspect of this matter which is of the most serious concern to this court, is the allegation that *the petitioner had attempted* to interfere in the judicial process and in furtherance of that two judicial officers got involved in the matter.
38. Coming to the allegations of interference with the judicial process, the material presently relied upon by the State is undoubtedly serious. However, as pointed-out by the petitioner, even on the State's reckoning, the communications which have surfaced are *between the prosecutrix* and two judicial officers *known to the prosecutrix*; which also show that it was the prosecutrix who had approached those officers; and that the *judicial officers were not concerned with, or seized of, the case arising from the FIR in their judicial capacity*.
39. It is significant and bears repetition, that it is not the prosecution case that the case arising from the subject FIR was pending before either of



the two judicial officers; or that they had dealt with it at any point in time. Neither of the two judicial officers was therefore concerned with the case *in their judicial capacity*.

40. Furthermore, the circumstance that *it was the prosecutrix who had known the judicial officers since she had interned under them* appears to be substantiated.
41. This court is also of the view that any action against the judicial officers by the Delhi High Court would take its own course, in accordance with law; however, such action against the officers cannot be a ground, in and of itself, to deny bail to the petitioner in the subject FIR.
42. Another important circumstance is that the investigation in the present case is, in all material ways complete, except for certain FSL reports that are awaited. The status report records that the main as well as supplementary chargesheet already stand filed. The petitioner has also drawn attention to the statement of the Investigating Officer before the learned Sessions Court that no further custodial interrogation of the petitioner is required.
43. In its decision in *Sanjay Chandra vs. Central Bureau of Investigation*,¹ the Supreme Court has emphasized the true purpose of pre-trial detention; and has said that once investigation is complete and chargesheet has been filed, continued custody of an accused without compelling reason, amounts to pre-trial punishment, which is

¹ (2012) 1 SCC 40



undesirable. The following words of the Supreme Court are noteworthy:

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.”

44. The material on record at this stage also does not persuade this court to hold that the petitioner does not qualify the ‘triple test’ for grant of bail. The petitioner is a permanent resident of Delhi and a practicing Advocate. He had joined investigation earlier and has surrendered pursuant to court orders. The evidence relied upon by the prosecution, including the electronic material, medical evidence and CCTV footage, already stands collected and forms part of the charge-sheets filed before the learned trial court.
45. The petitioner has also served sufficient time in judicial custody as an undertrial; and no useful purpose will be served by detaining the petitioner in custody any longer, subject of course to stringent conditions to ensure the fairness and integrity of the trial process and protection of the prosecutrix and other witnesses.
46. Without expressing any opinion on the merits of the matter, this court is therefore of the view, that a case is made-out for grant of regular bail to the petitioner.



47. Accordingly, the present bail petition is allowed.
48. The petitioner – ***Randhir Kumar s/o Shri Lal Shab*** – is *admitted to regular bail pending trial* in case FIR No.278/2025 dated 25.06.2025 registered at P.S.: Neb Sarai, New Delhi, *subject to* the following conditions:
- 48.1. The petitioner shall furnish a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with 01 surety in the like amount from a family member, to the satisfaction of the learned trial court;
- 48.2. The petitioner shall furnish to the Investigating Officer a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- 48.3. If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;
- 48.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial; and
- 48.5. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing.



49. Since the petitioner is facing trial and would therefore be appearing before the learned trial court from time-to-time, it is not considered necessary to impose a reporting requirement as a condition of regular bail.
50. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.
51. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
52. The petition stands disposed-of in the above terms.
53. Pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J.

MAY 29, 2026/HJ