



2026:DHC:4059



\$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 07.05.2026*+ **BAIL APPLN. 966/2026**

SHEELA

.....Petitioner

Through: Ms. Kajal Chandra, Ms.
Hatneimawi, Mr. Ananyay
Bhardwaj and Mr. Suyash
Swarup, Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Naresh Kumar Chahar,
APP for the State

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J. (Oral)**

1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 24/2025, registered at Police Station Shastri Park, Delhi for the commission of offence punishable under Sections 137(2)/143(4)/143(7)/61/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS') and Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereafter 'JJ Act').

2. Briefly stated, the facts of the present case, as per prosecution, are that on 05.06.2025, information was received from one Home



2026:DHC:4059



Guard, Sachin, regarding the kidnapping of a 2½-month-old male child of the complainant Poonam, a beggar residing near Seelampur Metro Station. The complainant stated that she used to beg at Seelampur Metro Station along with one lady Devaki, who also used to beg at the same metro station. She stated that on 04.06.2025, she had temporarily handed over her infant son to co-accused Devaki while she had gone to purchase a feeding bottle, during which period Devaki had allegedly absconded with the child. Despite local enquiry, examination of CCTV footage and sustained efforts made by the local police, no clue regarding the accused or the child could initially be found. Subsequently, the investigation had been transferred to ATS/Metro, whereafter co-accused Devaki was traced to District Mahoba, Uttar Pradesh through a lead obtained from her Facebook account and was apprehended on 22.11.2025.

3. During investigation, on 23.11.2025, the supplementary statement of the complainant was recorded, wherein she disclosed that one Manju (co-accused) had earlier approached her with offers of money in exchange for the child. It is alleged that co-accused Devaki disclosed that she had, at the instance of co-accused Manju, kidnapped the infant for the purpose of selling him to prospective buyers seeking a male child. She further revealed that a prospective client of Manju, namely Bharti, who was desirous of having a baby boy, had refused to take the child in question after becoming aware that Devaki was not his biological mother. It is alleged that Devaki had thereafter continued her efforts to sell the child and had visited



2026:DHC:4059



several hospitals and clinics for the said purpose. Thereafter, she had allegedly contacted co-accused Shirley John, a nursing officer at a maternity and child care centre at Mandawali, seeking assistance in arranging adoption of the child.

4. As per prosecution, co-accused Shirley John had conveyed the said information to her household maid, i.e. the present applicant Sheela, who had in turn conveyed the same to her brother-in-law Dheer Singh and his wife Baneeta (co-accused persons), who were desirous of having a male child since they had four daughters. It is alleged that the present applicant had thereby acted as a facilitator in the illegal transfer of the kidnapped child. On 24.11.2025, the child was recovered from the possession of co-accused Dheer Singh and Baneeta at Arya Nagar, Delhi. The prosecution alleges that the recovery and transfer of the child had been facilitated through the involvement of the present applicant. During investigation, the mobile phones of the accused persons were seized, and photographs allegedly depicting the handing over of the child by co-accused Devaki to Dheer Singh and Baneeta in the presence of the present applicant were recovered. Except Shirley John, all other accused persons were arrested in the present case. After completion of investigation, chargesheet was filed on 13.02.2026 against accused Devaki, Manju, Dheer Singh, Baneeta, Shirley John and the present applicant Sheela.

5. The learned counsel appearing for the present accused/applicant Sheela argues that the applicant has been falsely



2026:DHC:4059



implicated in the present case and has no connection whatsoever with the commission of the alleged offence. It is submitted that, even as per the case of the prosecution, the child was not recovered from the possession of the present applicant. It is further submitted that, admittedly, the applicant had no role in the alleged kidnapping of the child. The learned counsel further submits that no money has been recovered from the present applicant, nor is there any allegation that the applicant had received any money in connection with the alleged offence. It is also pointed out that the Investigating Officer has selectively arrested the present applicant and other accused persons, while not arresting co-accused Shirley John. It is further argued that since the applicant was employed at the residence of co-accused Shirley, she had acted upon and believed the representations made by her. It is contended that the applicant has been in judicial custody for the last about five months. It is, therefore, prayed that the applicant be granted regular bail.

6. The learned APP appearing for the State argues that the present applicant Sheela had acted as an intermediary in the transaction through which co-accused Baneeta and Dheer Singh had illegally adopted the trafficked child. It is contended that photographs are available depicting the handing over of the child to co-accused Dheer Singh and Baneeta at the clinic, in which the present applicant is also allegedly visible, and the said photographs have been sent to the FSL for examination. It is further argued that the applicant Sheela was working as a household maid for co-accused Shirley John, who was



2026:DHC:4059



employed as a nurse at the clinic, and it was the present applicant who had facilitated the illegal transfer/sale of the child to the co-accused persons. Considering the seriousness of the allegations, it is prayed that the bail application be dismissed.

7. This Court has **heard** arguments addressed on behalf of the applicant as well as the State, and has perused the material available on record.

8. The allegations in the present case pertain to the kidnapping and subsequent trafficking of a 2½-month-old infant child. As per the case of the prosecution, co-accused Devaki had kidnapped the child and had thereafter attempted to sell him to persons desirous of having a male child.

9. At this stage, the material placed on record *prima facie* reveals that it was the present applicant Sheela who had conveyed the information regarding the availability of the infant male child to her relatives, i.e. co-accused Dheer Singh and Baneeta, who were desirous of having a male child as they already had four daughters. The child in question was allegedly obtained by them in lieu of an amount of ₹1,50,000/-. Thus, the present applicant had allegedly facilitated the illegal transfer/sale of the child.

10. The contention raised by the learned counsel for the applicant that the main accused is Shirley John and that the present applicant has no role in the alleged offence, also does not *prima facie* merit acceptance at this stage. Though co-accused Devaki, who had



2026:DHC:4059



allegedly kidnapped the child, had initially approached co-accused Shirley John, who was working as a nurse, the child in question was ultimately recovered from the possession of co-accused Dheer Singh and Baneeta, who are admittedly relatives of the present applicant Sheela. Thus, as per the prosecution case, it was the applicant Sheela who had informed her relatives regarding the availability of the child and had facilitated the transfer of the kidnapped infant to them.

11. This Court has also been informed that photographs depicting the handing over of the child have been recovered during investigation, wherein the present applicant is allegedly visible, and the said photographs have been sent to the FSL for examination. The FSL report is yet to be received.

12. This Court also cannot lose sight of the observations of the Hon'ble Supreme Court in *Pinky v. State: 2025 INSC 482*, wherein the Hon'ble Supreme Court had observed that offences relating to trafficking and illegal sale of children are grave offences having serious societal impact and are required to be viewed with due seriousness while considering prayer for bail.

13. Considering the nature of allegations, the manner in which the offence is alleged to have been committed, the role attributed to the present applicant in facilitating the illegal transfer of the infant child, and the fact that the FSL report is still awaited, and charges are yet to be framed, this Court is not inclined to grant regular bail to the present applicant at this stage.



2026:DHC:4059



14. Accordingly, the present bail application stands dismissed.
15. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case
16. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 07, 2026/ns
TD