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

CNR No. DLHC010071572026

+ **BAIL APPLN. 813/2026**

AYUSH @ MINTU

.....Petitioner

Through: Adv. (appearance not given)

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for State.
SI Shivangi Katiyar SI Neha Poonia
PS Mansarovar Park.
complainant/victim through VC.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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20.08.2026

1. This application has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") (equivalent to Section 439 of the erstwhile Code of Criminal Procedure, 1973), seeks regular bail in connection with FIR No. 43/2025 for the offences punishable under Sections 376/506/5069/34 of the Indian Penal Code, 1860 (IPC) registered at Police Station Mansarovar Park, Delhi. The applicant approaches this Court following the dismissal of his regular bail application by the ASJ Court vide order dated 16.10.2025

2. The facts of the case indicate that the victim was allegedly threatened by the applicant to enter into a relationship with him. It is alleged that the



applicant forced her to comply with his demands on the threat of uploading the obscene photographs and other material of the victim on social media and, on the pretext of the same, the applicant has forcefully developed physical relations with her and blackmailed her and extorted money from her. This was subsequently discovered by her parents, leading to the registration of the FIR on 09.01.2025, and the applicant was arrested the very same day.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated. It is submitted that the applicant and the complainant are both of the same age and were well acquainted with each other since 2022, as the complainant was a friend of the applicant's sister and frequently visited their home. The counsel submits that the parties were in a consensual romantic relationship and the present complaint was filed owing to the opposition from the complainant's family due to caste-based reservations. The counsel has also drawn the attention of this Court towards Annexure P-5, which demonstrates the conversations between the applicant's sister and the victim, which, according to him, would clearly indicate that the complainant and the applicant were in a love affair and they were in a consensual relationship.

4. Furthermore, it was highlighted that the applicant has already suffered more than 1 year 7 months of incarceration and he is in judicial custody since 09.01.2025. The chargesheet was filed on 03.03.2025 and the investigation qua the applicant stands complete as well.

5. Per contra, Ms. Shubhi Gupta, learned APP for the State, and the complainant/victim appearing through video conferencing, vehemently oppose the bail application. It was contended that the allegations are



serious in nature. Bearing in mind the overall facts and circumstances of the case, the applicant is not entitled to regular bail.

6. When the matter was called out on 10.07.2026, the hearing was adjourned awaiting the completion of the victim's evidence. It is pointed out that the victim has been fully examined and has been discharged. It is also brought to the attention of the Court that there is no previous criminal history of the applicant. The veracity of the applicant's submission and the prosecution case will have to be examined by the Court at the time of conclusion of trial. At this stage, the overall facts and circumstances will have to be considered appropriately.

7. It will be appropriate at this particular stage to refer to the settled principles of bail jurisprudence. As held by the Supreme Court in ***Dataram Singh v. State of Uttar Pradesh***¹

1. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society.

8. Furthermore, in ***Sanjay Chandra v. CBI***² the Apex court ruled that the object of the bail is neither punitive nor preventive. The relevant para is as under-

21. In bail applications, generally, it has been laid down from the earliest

¹ (2018) 3 SCC 22

² (2012) 1 SCC 40



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.

1. The role of this Court is not to re-appraise the evidence at the present stage, as observed by the Supreme Court in **Prasanta Kumar Sarkar v. Ashis Chatterjee**³ where it was observed:

“9. ... It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are: (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the accusation; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being influenced; and (viii) danger, of course, of justice being thwarted by grant of bail.”

9. The Supreme Court in **Satendra Kumar Antil v. CBI**⁴ addressed the need for courts to remain sensitive while considering the plight of undertrial prisoners and further to avoid any such prolongment in their incarceration in the condition, when the investigation stands completed, and the trial is likely to take further time. The relevant para is as under-

49. This is more so when the accused person is under incarceration. This provision must be applied inuring to the benefit of the accused while

³ (2010) 14 SCC 496

⁴ (2022) 10 SCC 51



considering the application for bail. Whatever may be the nature of the offence, a prolonged trial, appeal or a revision against an accused or a convict under custody or incarceration, would be violative of Article 21. While the courts will have to endeavour to complete at least the recording of the evidence of the private witnesses, as indicated by this Court on quite a few occasions, they shall make sure that the accused does not suffer for the delay occasioned due to no fault of his own.

10. After due consideration and applying the said legal principles to the facts in hand, this Court observes that the applicant has been in judicial custody from 09.01.2025, which is incarceration for more than 1 year and 7 months. Furthermore, the relationship between the applicant and the complainant commenced in 2022, whereas the FIR was lodged in 2025, which is approximately 3 years later. Factors such as the nature of consent and the veracity of such submissions are a matter of trial and must be examined in detail at that particular level; however, these facts hold only a persuasive value at the given stage for the purpose of grant of bail.

11. Bearing in mind the overall facts and circumstances of the case, this Court deems it appropriate to enlarge the applicant on regular bail, subject to such terms and conditions as may be imposed by the concerned Trial Court.

12. The application stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 20, 2026

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