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

CNR No. DLHC010328982026

+ **BAIL APPLN. 2919/2026 and CRL.M.A. 21954/2026**

AKHIL PRATAP SINGH

.....Petitioner

Through: Mr. Azhar Qayum, Mr. Shahamuddin,
Ms. Priyanka, Mr. Zubair, Mr.
Devansh and Mr. Narender Kumar,
Advocates.

versus

STATE (G.N.C.T. OF DELHI) & ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for State
with Insp. Amrish, SI Naresh, PS
Cyber ED.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **01.09.2026**

1. The instant is the second bail application under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023 ('BNSS') r/w Section 479 BNSS r/w Section 528 BNSS filed on behalf of the applicant seeking grant of regular bail in connection with FIR No.006/2025 dated 06.03.2025 registered at PS Cyber Police East for the offence punishable under Sections 75/78/79/351(2)/351(4) 3(5) of BNS and 67 of IT Act.

2. It appears that the first bail application filed on behalf of the applicant was rejected on merits *vide* order dated 02.09.2025 in Bail Appln.



2023/2025. The applicant thereafter preferred an SLP¹ against the said order, which was subsequently withdrawn on 16.01.2026.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the instant case. He further submits that the applicant has been in custody since 06.03.2025 and has already undergone approximately one year and eight months of incarceration. It is submitted that the charges have not yet been framed and 12 prosecution witnesses are yet to be examined. Learned counsel, therefore, submits that the trial is likely to take some time to conclude.

4. The submissions made on behalf of the applicant are vehemently opposed by learned APP for the State, who submits that, having regard to the conduct of the applicant, he ought not to be enlarged on regular bail.

5. I have heard the counsels appearing for parties and perused the record.

6. The allegation against the applicant is that he obtained obscene photographs of the prosecutrix, followed her through Instagram and threatened/blackmailed her with a view to pressurising her into sexual relations or obtaining sexual favours. It is submitted that the investigation stands completed and the relevant chats, Instagram IDs, mobile phone and alleged obscene photographs have been seized/obtained during investigation. The charge-sheet has already been filed. It is further submitted that the offences alleged against the applicant are punishable with imprisonment of up to three years.

7. It is well settled in ***Kalyan Chandra Sarkar v. Rajesh Ranjan***,² that while successive bail applications are maintainable, the Court is required to

¹ SLP (Criminal) Diary No(s). 2027/2026

² (2004) 7 SCC 528



consider the reasons on which the earlier application was disposed of and to examine whether any subsequent circumstances justify taking a different view.

8. Subsequent to the rejection of the first bail application, more than one year has elapsed and the applicant has continued to remain in custody. The offence alleged is punishable with imprisonment of up to three years, and the applicant has already undergone more than half of the maximum prescribed sentence. The aforesaid circumstances constitute a change in circumstances warranting consideration of the present bail application.

9. The Supreme Court in ***Dataram Singh v. State of U.P.***,³ has reiterated that the grant of bail is the rule and refusal is an exception, and that the presumption of innocence continues to operate until guilt is established in accordance with law.

10. The parameters governing the grant of bail have also been succinctly laid down in ***Prasanta Kumar Sarkar v. Ashis Chatterjee***,⁴ wherein the Supreme Court held that while considering an application for bail, the Court is required to balance the nature of the accusation, the severity of punishment, the possibility of the accused fleeing from justice, likelihood of tampering with evidence or influencing witnesses, antecedents of the accused and the overall interests of justice

11. The Supreme Court in ***Sanjay Chandra v. CBI***,⁵ has further observed that the object of bail is to secure the attendance of the accused during trial and that pre-trial detention should not assume a punitive character. These observations were expounded as follows:

³ (2018) 3 SCC 22

⁴ (2010) 14 SCC 496



“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.”

12. More recently, in **Satender Kumar Antil v. CBI**,⁶ the Supreme Court has emphasised that prolonged incarceration pending trial, particularly where the trial is not likely to conclude within a reasonable period, has to be viewed in the light of the guarantee of personal liberty under Article 21 of the Constitution.

13. The Supreme Court in **Union of India v. K.A. Najeeb**,⁷ held that an under trial cannot be subjected to indefinite incarceration pending trial and that, where it becomes evident that a timely conclusion of the trial is not possible and the accused has already undergone a substantial period of incarceration, constitutional courts would ordinarily be obligated to enlarge the accused on bail, notwithstanding the statutory restrictions governing the grant of bail.

“15. This Court has clarified in numerous judgments that the liberty guaranteed by Part III of the Constitution would cover within its protective ambit not only due procedure and fairness but also access to justice and a speedy trial. In Supreme Court Legal Aid Committee (Representing Under trial Prisoners) v. Union of India, it was held that under trials cannot indefinitely be detained pending trial. Ideally, no person ought to suffer adverse consequences of his acts unless the same is established before a neutral arbiter. However, owing to the practicalities of real life where to secure an effective trial and to ameliorate the risk to

⁵ (2012) 1 SCC 40

⁶ (2022) 10 SCC 51

⁷ (2021) 3 SCC 713



society in case a potential criminal is left at large pending trial, the courts are tasked with deciding whether an individual ought to be released pending trial or not. Once it is obvious that a timely trial would not be possible and the accused has suffered incarceration for a significant period of time, the courts would ordinarily be obligated to enlarge them on bail.”

[Emphasis supplied]

14. Without commenting upon the merits of the allegations, this Court is also required to bear in mind that the applicant has already undergone more than half of the maximum sentence prescribed for the alleged offences. In the catena of judgments, the Supreme Court has emphasised that where an undertrial has undergone half of the maximum sentence pending trial, any further deprivation of his personal liberty would violate the fundamental right guaranteed under Article 21 of the Constitution of India. Continued incarceration in such circumstances would, therefore, cause grave prejudice to the applicant.

15. The trial is presently at the stage of framing of charges and 12 prosecution witnesses are yet to be examined. The trial is, therefore, not likely to conclude in the near future. There is no material on record to attribute the delay in conclusion of the trial to the applicant. The conduct of the applicant during his incarceration has also been satisfactory.

16. Therefore, it is directed that the applicant be released on regular bail on such conditions as may be imposed by the concerned trial Court.

17. Nothing stated, hereinabove, shall be construed as an expression on the merits of the case. The observations made herein are confined solely to the adjudication of the present bail application. The Trial Court shall adjudicate the matter independently and in accordance with law, on the basis of the evidence adduced before it.



18. The application stands disposed of.
19. Pending applications, if any, also stand disposed of.
20. A copy of this order be also sent to the concerned Jail Superintendent for compliance.

PURUSHAINdra KUMAR KAURAV, J

SEPTEMBER 1, 2026

Nc/sa