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

+ **BAIL APPLN. 778/2025**

SAHIB NARULA ALIAS ROSE

.....Petitioner

Through: Ms. Rajani and Mr. Adarsh
Shandilya, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Hemant Mehla, APP.
SI Preeti, PS: Rani Bagh.
Prosecutrix through VC.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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07.07.2025

1. The present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ seek grant of pre-arrest bail in the proceedings arising out of FIR No. 46/2025, registered under Sections 123/64(1)/351(2) of the Bharatiya Nyaya Sanhita, 2023² at P.S. Rani Bagh.

2. Briefly stated, the case of the Prosecution is as follows:

2.1. The aforementioned FIR was registered on a complaint made by one, Ms. 'S', who stated that she met one Mr. Sunny Verma @ Md. Sadiq at Sassy Lounge and Club, Rajouri Garden. On 24th December, 2024, Mr. Sunny came to visit the Prosecutrix in his grey coloured Maruti car and offered her

¹ "BNSS"

² "BNS"



a soft drink. After consuming the drink, the Prosecutrix began to feel dizzy and subsequently fell unconscious. Upon regaining consciousness, she discovered that she was unclothed and experienced pain in her private parts. The Prosecutrix alleged that when she confronted Mr. Sunny about the incident, he responded by stating that such physical relations are common between friends, but assured her that it would not happen again.

2.2. Subsequently, on 26th December, 2024, Mr. Sunny again called the Prosecutrix at Shiv Mandir and asked her to establish physical relations with him, however she refused, and they went to their respective homes. Mr. Sunny once again asked the Prosecutrix to meet him, and threatened that if she refused to engage in physical relations with him, he would release her private photographs and video recordings. On this premise, Mr. Sunny took the Prosecutrix to Hotel Neptune, Paschim Vihar, where he raped her. On the same day, Mr. Sunny also allowed his friends namely, Mr. Sahib (the Applicant) and Mr. Sumit @ Golu @ Daksh to establish physical relations with her, without her consent.

2.3. On 31st December, 2024, at approximately 11 PM, Mr. Sunny called the Prosecutrix and asked her to come to Beeba Club. She arrived there in the Applicant's car; however, Mr. Sunny was not present at the location. The Prosecutrix subsequently left from the club with the Applicant, where he forcibly made physical relations with her in his car at a secluded place, and then dropped her near her house. Thereafter, Mr. Sunny and Mr. Sumit @ Golu @ Daksh also met the Prosecutrix and committed rape upon her in Mr. Sunny's car, at an unknown place. Subsequently, Mr. Sunny again forcibly committed rape upon the Prosecutrix at Dev Palace Hotel.

2.4. During the course of the investigation, the medical examination of the



Prosecutrix was conducted at Bhagwan Mahavir Hospital, Mangolpuri, Delhi. Her statement was also recorded under Section 183 of the BNSS, wherein she reaffirmed the allegations made against the accused persons. Subsequently, co-accused Sunny @ Mohd Sadik was arrested, and his mobile phone was seized and deposited at Police Station Maikhana. Following this, raids were conducted to apprehend the Applicant and co-accused Mr. Sumit @ Golu @ Daksh; however, both were found to be absconding. As a result, Non-Bailable Warrants were issued against them by the Trial Court.

2.5. The Applicant's bail application was dismissed by the ASJ (Special FTC), North West, Rohini Courts by order dated 10th February, 2025.

3. Counsel for the Applicant submits that the Applicant has been falsely implicated in this case. He contends that there is ample evidence indicating that the relationship between the Applicant and the Prosecutrix was consensual in nature. He asserts that the parties had been friends since November 2024. He points to several videos recorded on multiple occasions, specifically on 28th December 2024, 31st December, 2024, and 7th January, 2025, which depict the Prosecutrix interacting normally with the Applicant. Additionally, counsel highlights that co-accused Mr. Sumit Bharti @ Golu @ Daksh has already been granted anticipatory bail by the Trial Court on 3rd March, 2025. Further, co-accused Sadiq @ Sunny has also been released on regular bail by the Trial Court on 17th March, 2025. He argues that the Applicant is entitled to pre-arrest bail on the principle of parity. He further submits that since the chargesheet has already been filed, the Applicant's presence is no longer necessary for custodial interrogation. In any event, following the directions of this Court, the Applicant has fully cooperated



with the investigation. Accordingly, he urges that the Applicant is entitled to pre-arrest bail.

4. On the other hand, Mr. Hemant Mehla, APP for the State, strongly opposes the bail application. He submits that the Applicant has been implicated for grave and serious offences, including allegations of rape and criminal intimidation. He argues there is a strong likelihood that if granted bail, the Applicant may intimidate or threaten the Prosecutrix.

5. The Court has considered the submissions advanced by the parties. On the previous date of hearing, this Court had directed the Applicant to join the investigation. Mr. Hemant Mehla, APP, has confirmed that that the Applicant duly complied with the said direction, and appeared before the Investigating Officer. Furthermore, the chargesheet in this case stand filed. Accordingly, the presence of the Applicant is no longer required for the purposes of investigation or custodial interrogation.

6. It is also noted that co-accused Mr. Sumit @ Golu @ Daksh has already been granted anticipatory bail by the Trial Court, primarily on the ground that he was not present in Delhi at the time of the incidents, as alleged by the Prosecutrix. Taking note of this, the Trial Court, while granting regular bail to co-accused Sadiq @ Sunny, observed that the credibility of the Prosecutrix's version had been rendered doubtful. In the present case, the Applicant has relied upon several video recordings that purportedly show the Prosecutrix continuing to maintain a cordial and friendly relationship with him even after the alleged incidents. While the veracity and evidentiary value of such video recordings shall be conclusively determined at the stage of trial, however, upon a *prima facie* examination, the Court finds that the Applicant's submissions are not devoid



of merit.

7. The Supreme Court has repeatedly emphasized that the provision of anticipatory bail, under Section 438 Cr.P.C., is rooted in Article 21 of the Constitution, which guarantees personal liberty. This calls for a liberal interpretation of the provision, upholding the fundamental principle that every individual is presumed innocent until proven guilty. Section 438 aims at protecting the personal liberty of an individual, who, at the time of seeking anticipatory bail, has not been convicted of the alleged offence and is entitled to the presumption of innocence.³ In the present case, the Applicant is a 26-year-old individual with no criminal antecedents, who has duly cooperated in the investigation. It is further noted that the other accused have already been granted regular or anticipatory bail by the Trial Court. Accordingly, in the totality of circumstances, the Court finds it to be a fit case for the grant of anticipatory bail. The application is, therefore, allowed.

8. The Applicant, in the event of arrest, is directed to be released on bail on furnishing a bail bond for a sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicant shall not leave the boundaries of the country without informing the IO/ SHO concerned;
- c. The Applicant shall not contact the witnesses or tamper with the evidence in any manner;

³ Gurbaksh Singh Sibbia and Others v. State of Punjab, (1980) 2 SCC 565; Siddharam Satlingappa Mhetre v. State of Maharashtra and Others, (2011) 1 SCC 694.



- d. The Applicant shall not contact the Prosecutrix or any of her family members;
- e. The Applicant shall not reside within 5 km radius of the residence of the Prosecutrix and shall also furnish proof of his residence to the concerned IO. The Applicant shall also not move in the vicinity of the Prosecutrix in any manner.
- f. The Applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
9. In the event of there being any FIR/ DD entry/ complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
10. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.
11. The application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

JULY 7, 2025/d.negi