



\$~4

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

+ **BAIL APPLN. 1645/2025**

BAPPA GHOSH

.....Petitioner

Through: Mr. Lewish Edward, Mr. Vignesh P.,
Mr. Gyanendra Singh and Mr. Dhiraj
Mehra, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Meenakshi, PS Neb
Sarai.
Ms. Sanjana Gupta (DHCLSC), Adv.
for Victim.

**CORAM:
HON'BLE MR. JUSTICE ARUN MONGA**

**ORDER
29.08.2025**

%

1. Applicant herein seeks anticipatory bail in relation to FIR No. 147/2025 dated 07.03.2025 under Sections 64(1), 351(2) of the BNS registered at Police Station Neb Sarai, New Delhi.
2. Per FIR, the victim is divorcee and runs a beauty parlour to support her two minor daughters. She came into contact with one Bappa Ghosh @ Sanjay Roy. He befriended her and claimed to be a divorcee. In October–November 2024, Sanjay called her to a Hotel where he offered her a glass of juice laced with intoxicant. After consuming it, she felt dizzy and



upon regaining consciousness, found herself unclothed. Sanjay then threatened her with a nude video he had made, warning her not to disclose the matter to anyone, and further threatened to kill her.

2.1 Out of fear, she was forced to submit to repeated physical relations against her will. Sanjay had promised to marry her but later just absconded and stopped responding to her calls. On visiting his residence, victim discovered that he was already married. On her lodging the FIR, investigation ensued.

3. Learned ASJ-06 (South), Saket Courts *vide* order dated 25.04.2025 dismissed the applicant's previous anticipatory bail application. Hence the instant one before this court.

4. In the aforesaid backdrop I have heard the rival contentions and perused the case file.

5. Learned counsel for the applicant argues that the applicant has been falsely implicated due to personal grudge and financial disputes with the prosecutrix, who allegedly demanded money and threatened him with false cases upon refusal. The relationship was consensual, as evidenced by their continued closeness after the prosecutrix's divorce, including dates and overnight stays, despite knowing he was married. Material contradictions exist between her statements under Sections 161 and 164 CrPC, casting doubt on the prosecution's case. Further, her admission of taking and losing the applicant's phone containing alleged obscene material undermines her credibility.

6. The matter was, in fact, earlier heard by coordinate bench and *vide* an order dated 30.04.2025 interim concession was granted. Extract of the said order, being relevant, is reproduced herein below:



- “4. Learned counsel appearing on behalf of the applicant submits that the latter and the complainant were known to each other since 2019. It is submitted that the complainant knew the marital status of the applicant. It is further submitted that the complainant herself has been married twice and the applicant knew her through her ex-husband. It is further submitted that during the hearing of the anticipatory bail before the learned ASJ, the present applicant was granted interim protection and had joined the investigation. It is further pointed out that the mobile belonging to the applicant was in the possession of the complainant, which she now says has been lost. It has also come on record, by way of status report filed before learned ASJ, that the sum of Rs. 1,42,000/- has been received by the complainant from the applicant.*
- 5. Learned APP for the State, who appears on advance notice, submits that the complainant has been informed of the present application, however, she submits that she would not be able to appear today.*
- 6. Issue notice.*
- 7. Learned APP for the State accepts notice and seeks some time to file a status report. Let the same be filed before the next date of hearing, with an advance copy to learned counsel for the applicant.*
- 8. Issue notice to the complainant in writing to be served through the concerned SHO for the next date of hearing and a status report with regard to the same be filed.*
- 9. List on 15.07.2025.*
- 10. In the meantime, on the applicant joining the investigation as and when directed by the Investigating Officer, no coercive steps be taken against the applicant till the next date of hearing....”*

7. Apropos, to resume hearing today, it turns out that the investigation is complete and chargesheet has been filed. Not only that, even the learned counsel appearing for the prosecutrix/victim states that she is under instructions to state that prosecutrix does not oppose the bail being sought by the applicant subject, of course, to his complying with the necessary conditions and joining the proceedings in the trial.

8. Learned APP also submits that custodial interrogation is not required since the applicant has fully cooperated during the investigation. He also states, under instructions of Investigation Officer, charge-sheet has been finalised and filed in the trial court and the trial is likely to commence soon.



9. Reverting to the issue in hand, i.e., whether the custody of the applicant is required, I am of the view that since the applicant has extended his cooperation and nothing is required to be recovered from him, it is not a case of any preventive custody. Moreover, the prosecutrix is also not under any fear or threat of his being let out on bail during the trial. She has given her unequivocal consent to the applicant being granted bail by this court.

10. Taking the wholesome view, application is allowed. Investigating Officer to cause formal arrest of the applicant and release him forthwith on bail subject to furnishing the personal bond and surety of equivalent amount to her satisfaction and by ensuring the compliance of the conditions/provisions contained in Section 482(1) of BNSS.

11. Accordingly, the bail application is disposed of.

ARUN MONGA, J

AUGUST 29, 2025/rs/nk