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

+ **BAIL APPLN. 1791/2025 & CRL.M.(BAIL) 1020/2025**

PAVAN MISHRA

.....Petitioner

Through: Mr. Raman Yadav, Ms. Priyam Kaushik, Mr. Harshith Pottangi, Ms. Akriti Chaturvedi, Ms. Aashi Arora, Advocates

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Hemant Mehla, APP for State with SI Teena Phogat, PS Najafgarh SI Mamta, PS Dabri

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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21.07.2025

1. The present application filed under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 and Section 482 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 759/2024 dated 21st November, 2021, registered under Sections 376 & 506 of the Indian Penal Code, 1860³ at P.S. Dabri.

2. The Applicant's first regular bail application before the Sessions Court was rejected by order dated 19th December, 2024 on merits.

3. Thereafter, the Applicant approached this Court in Bail Application No. 175/2025. This Court by order dated 06th February, 2025, directed as

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



follows:

- “1. The present petition has been filed seeking regular bail in connection with FIR 759/2024 under Section 376/506 IPC registered at Police Station Dabri, Delhi.*
- 2. The case of the prosecution is that the petitioner had captured nude video/photographs of the prosecutrix while she was taking bath and started blackmailing her by showing these video/photographs. Thus, he forcibly established physical relations with the prosecutrix.*
- 3. Learned counsel appearing for the petitioner submits that the video/photographs could not be retrieved from the mobile phone which was seized by the police.*
- 4. However, per contra learned APP appearing for the State submits that the objectionable photographs had been deleted from the mobile phone and the same has been sent to FSL for examination. He further submits that the chargesheet stands filed.*
- 5. At this stage, learned counsel appearing for the petitioner seeks to withdraw the present petition with liberty to file the same after the FSL report is placed on record along with the supplementary chargesheet.*
- 6. In view of the above, the petition is dismissed as withdrawn with liberty to petitioner to approach again after the FSL report is filed by the police along with the supplementary chargesheet.*
- 7. IO is also directed to request the FSL for expediting the examination of the mobile phone seized from the petitioner.”*

4. Subsequently, the Applicant filed the second bail application before the Sessions Court, which was dismissed as withdrawn by order dated 12th March, 2025.

5. In light of the above, Mr. Hemant Mehla, APP for the State, at the outset, objects to the invocation of the jurisdiction of this Court, contending that the Applicant ought to have pursued regular bail before the Sessions Court.

6. In response, counsel for the Applicant draws the attention of this Court to the order dated 29th March, 2025, passed by ASJ (SFTC), Dwarka Courts, wherein a notice was issued to the Director, FSL, to expedite the FSL result. It is urged that despite directions issued both by this Court on



06th February, 2025 and the Sessions Court, the FSL report has not been received. It is thus contended that, in view of the liberty granted by this Court to approach for bail after filing of the FSL report, the continued delay in furnishing the same has effectively deprived the Applicant of an opportunity to have his bail application considered on merits.

7. Having considered the above, and bearing in mind that the Applicant's personal liberty is at stake and that the FSL report continues to be delayed, this Court is of the view that the Applicant is entitled to seek bail on the basis of the material presently available on record. Whether or not such bail is to be granted is a matter to be determined on the merits of the case. In fact, it is noted that in the previous two bail applications filed by the Applicant, he did not press for adjudication on merits and had decided to await the FSL report.

8. In light of the above, the present bail application is disposed of, with liberty to the Petitioner to seek bail before the Sessions Court, notwithstanding, the lack of the FSL report.

9. Accordingly, the present bail application along with pending application(s) is disposed of.

SANJEEV NARULA, J

JULY 21, 2025/ab