



2025:DHC:9360



* IN THE HIGH COURT OF DELHI AT NEW DELHI

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*Reserved on: 14th October, 2025
Pronounced on: 27th October, 2025*

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BAIL APPLN. 2246/2025, CRL.M.A. 18032/2025

AAMIR

S/o Naseer

R/o H.No.506, Matia Mahal,
Jaina Masjid, Delhi.

.....Petitioner

Through: Mr. M.S. Khan, Ms. Neha Khan and
Mr. Akbar Kaleem, Advocates.
Mr. Madhu Mukul Tripathi,
Mr. Utkrisht Tripathi, Ms. Sanjoli and
Ms. Rishika, Advocates.

versus

STATE NCT OF DELHI

Through SHO,

PS: Anand Vihar, East Delhi.

.....Respondent

Through: Mr. Utkarsh, APP for the State.
Counsel for Complainant (appearance
not given)

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Bail Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 has been filed on behalf of the **Applicant/Aamir**, seeking **Anticipatory Bail** in relation to FIR No.0173/2025 dated 09.04.2025 under Sections 70(1)/351(2)/3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, *[corresponding to Section 376D/506/34 of the Indian Penal Code (IPC), 1860]* registered at P.S.



Anand Vihar.

2. It is submitted that the Applicant had filed his Anticipatory Bail Application before Ld. ASJ, but the same was dismissed *vide* Order dated 21.05.2025.

3. The **case of the Prosecution** is that a Complaint was received at P.S. Anand Vihar wherein the Complainant “B” alleged that on 18.07.2024 at around 5-6 PM, near Budh Bazar, she met two persons. They gained her trust by offering her help through a Muslim organization and promised her aid from Pakistan. They convinced the Complainant to get into their car and thereafter, took her to a food stall behind Cross River Mall at around 7:30 PM. They fed her and subsequently, the Applicant/Aamir forcibly raped her followed by Hazi Afzal.

4. They provided her with their contact information, but warned her not to report the incident, threatening severe consequences if she did. Out of fear and due to her poor health, she initially remained silent. However, she has now come forward to file a Complaint against them of raping her. Accordingly, the present case has been registered *vide* FIR No. 173/25, based on the statement of the Complainant “B”, aged 45 years.

5. The **case of the Applicant** is that the present case against him, is a glaring example of misuse of the process of law. It is submitted that he has been falsely implicated in the present case by the Complainant “B” at the behest of one, Irshad @ Guddu Chaudhary against whom his sister had lodged FIR No.0116/2025 for the offence of sexual assault and rape.

6. His sister Shumaila, aged about 28 years, is engaged in the making of face creams and works with local women and NGOs to earn her living. At some point of time, she developed some relations with one Irshad, who



presented himself as a reputed Advocate and practicing in Delhi. Irshad established physical relations with Shumaila *on the false promise of marriage with her*. In due course of time, Shumaila came to know that Irshad was already married and was also involved in a number of criminal cases, which was hidden by him from her. She felt cheated and moved away from him. However, Irshad kept on insisting for relationship and pursuing her on social media and he started blackmailing her and her family members on pretext to viral her private photos and videos, online.

7. It is submitted that Irshad is a habitual offender and has about nine pending cases against him for various IPC offences. Despite the registration of the FIR, Irshad continued to call, threaten, harass, and use vulgar language towards Shumaila and her family, causing severe emotional distress and disrupting the peace of the entire family.

8. It is further submitted that Shumaila filed multiple Complaints against Irshad. On 27. 11.2024, she also lodged FIR No. 116/2024 under Section 69/353(1) BNS at P.S. Tilak Marg where she elaborated as to how Irshad had established forceful physical relations with her and how he was blackmailing her with vulgar photos and videos and threatened her that he would kill her brothers. On 07.02.2025, Irshad was granted Anticipatory Bail by Ld. ASJ, taking note of photos of Irshad and Shumaila and alleged *nikahnama* and marriage Deed.

9. It is submitted that on 04.04.2025, Complaint was filed with the office of DCP, Daryaganj by Applicant against Irshad wherein he has clearly stated that Irshad was threatening him not to support his sister Shumaila. He also stated as to how Irshad had been blackmailing and raping Shumaila for a long time and threatened him to falsely implicate him in a rape case and was



asking extortion money of Rs. 10 Lakhs for deleting the videos of Shumaila.

10. On 09.04.2025, the present FIR No. 173/2025 under Section 70(1)/351(2)/3(5) BNS was lodged at P.S. Anand Vihar, Delhi by the Complainant.

11. It is submitted that on 18.04.2025, the Complainant gave an interview to a YouTube channel, during which she stated that Shumaila had called her to threaten her into withdrawing the Complaint. In the interview, the Complainant revealed that the SHO was not taking any action on her Complaint. She also mentioned having filed a Complaint against the SHO for failing to act against the accused and allegedly accepting a bribe from them.

12. It is submitted that Irshad has been threatening Shumaila that if she wished to settle the present FIR filed against him, she must comply with his vulgar and unlawful demands.

13. The **Applicant has sought Anticipatory Bail on the grounds** that he has been falsely implicated. A bare reading of the contents of the FIR reveal that the nature of allegations are *prima facie* false. There has been no contact, meeting or interaction between the Applicant and the Complainant ever, which shows that the present case is a false one.

14. Moreover, there is an unexplained delay of more than nine months in registration of the FIR from the date of alleged incident.

15. It is further submitted that Irshad is a habitual offender and the mastermind behind the present false Complaint.

16. It is submitted that the Applicant himself had filed a Complaint with the DCP, Daryaganj, against Irshad well before the FIR was lodged against him, as Irshad had threatened to falsely implicate the applicant in a rape



case. Furthermore, the present FIR was filed under pressure after the Complainant submitted a Complaint dated 07.04.2025 against the SHO for allegedly accepting bribes from the Applicant, a claim she made during a YouTube video statement.

17. It is submitted that Applicant is an innocent man of 28 years who has recently been married. He has clean antecedents and deep roots in society, and undertakes to cooperate during the investigation.

18. *Hence, a prayer is made seeking Anticipatory Bail.*

19. The **Status Report has been filed on behalf of the Respondent/State** detailing the facts of the case.

20. It is stated that during the investigation, the victim underwent a medical examination at Dr. Hedgewar Arogya Hospital, Delhi, as per MLC No. 39/25 dated 10.04.2025. Furthermore, the Complainant's statement under Section 183 BNSS was recorded, in which she reaffirmed her allegation of sexual assault by the accused persons and supported the version stated in her FIR.

21. It is further stated that during investigation, several raids were conducted at the residences of the accused persons. Subsequently, NBWs were issued against the accused persons. The Chargesheet was filed and both the accused persons were declared *absconders*.

22. Later on, accused Mohd. Afzal was arrested on 11.06.2025 and produced before the Court on 12.06.2025 and is in Judicial Custody since then. However, it is stated that the proceedings under *Section 84 BNSS has been initiated against the Applicant/Aamir on 26.06.2025.*

23. The **Anticipatory Bail Application is opposed on the grounds** that the allegations against the Applicant are serious in nature. There is a threat



to the Complainant. Moreover, the Applicant is constantly evading and in not cooperating in the investigation.

24. *Thus, the Bail Application is liable to be dismissed.*

25. **Ld. Counsel for the Applicant** submitted that the Applicant has been falsely implicated in the present case at the instance of Irshad @ Guddu Choudhary, with whom the Complainant and her daughter (who was as an intern at the office of Irshad) are allegedly conniving. It was argued that the Applicant is the brother of Shumaila, who had earlier lodged an FIR against Irshad for sexual assault under the pretext of marriage. Irshad has been threatening the Applicant's family since he was granted Anticipatory Bail on 07.02.2025.

26. It was contended that the allegations are inherently improbable; the FIR was lodged after an unexplained delay of nearly nine months, and the case is a clear misuse of the criminal process.

27. **Ld. Public Prosecutor** opposed the Bail Application and submitted that the allegations against the Applicant are grave and serious. The Complainant's statement under Section 183 BNSS [*corresponding to Section 164 CrPC*] corroborates the FIR, and her medical examination supports the allegation of sexual assault.

28. Furthermore, the Applicant's location, as per CDR records, was near Anand Vihar at the relevant time. The CDR records have already been filed along with the Supplementary Chargesheet.

29. **Ld. Counsel for the Complainant** has strongly opposed the grant of Anticipatory Bail. It is submitted that the Applicant is the main accused and has been absconding since registration of the FIR.

30. It is submitted that even after the FIR was lodged, the Applicant and



his associates continued to extend threats to the Complainant, attempting to intimidate her into withdrawing the case.

31. Furthermore, two earlier Bail Applications filed on behalf of the accused person have already been dismissed, and granting relief at this stage would seriously prejudice the ongoing investigation and endanger the safety of the Complainant. *Hence, the Bail Application is liable to be rejected.*

Submissions heard and record perused.

32. The Prosecution's case is that on 18.07.2024, around 5 - 6 PM near *Budh Bazar*, around the garbage dump, the Applicant/Aamir and co-accused/Mohd. Afzal approached the Complainant, engaged her in conversation, and lured her with assurances of financial help through a Muslim organization allegedly funded from Pakistan. Believing them, the Complainant accompanied them in their car. They took her near a *chowmein* cart behind Cross River Mall, where around 7:30 PM both accused allegedly raped her. They thereafter, gave her their contact details on a piece of paper and threatened her with dire consequences if she reported the incident to the police.

33. Consequently, the present FIR No. 173/2025 was filed on 09.04.2025 i.e. about 8 months after the alleged incident dated 18.07.2024.

34. The ***first contention*** of the Applicant is that the present FIR is an afterthought and is aimed to falsely implicate the Applicant to settle personal scores.

35. The Applicant's sister, had earlier lodged FIR No. 116/2024 dated 27.11.2024 against Irshad, alleging that he had established physical relations with her under the false promise of marriage and later blackmailed her by threatening to circulate her private photographs and videos. Subsequently,



on 04.04.2025, the Applicant made a Written Complaint to the DCP, Daryaganj, alleging that Irshad was threatening to implicate him in a fabricated rape case and demanding extortion money of Rs.10 lakhs. Merely a few days thereafter, on 09.04.2025, the instant FIR was lodged, containing allegations similar to the threats previously reported by the Applicant.

36. *Thus, this chain of events suggests that the present FIR may not be entirely free from malice.*

37. The ***second aspect*** that merits consideration is the unexplained delay of nearly eight months, in the registration of the FIR. While it is well-settled that delay alone cannot discredit the Prosecution's case in sensitive matters, however, the same must be reasonably explained to inspire confidence in the veracity of the allegations. In the present case, the Complainant's explanation for the delay is vague and unsupported by any substantial material. Such an inordinate delay with the surrounding circumstances of prior enmity, raises a legitimate apprehension about the present FIR being vexatious and motivated.

38. It can also not be overlooked that as per the Complainant herself, the Applicant and co-accused had given her the contact number. It has rightly been argued that no accused who is guilty, would give his contact number.

39. It is also alleged that the daughter of the Complainant had interned with Irshad, with whom the Applicant has long standing enmity on account of his sister.

40. Considering that the Chargesheet has already been filed and also considering the *prima facie* allegations, it is directed that in the event of his arrest, the Applicant shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer/ Trial Court, subject to the following



conditions:-

- (i) The Petitioner shall furnish a personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
 - (ii) The Petitioner shall join the investigations, as and when called by the Investigating Officer.
 - (iii) The Petitioner shall furnish his mobile phone number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active and switched-on at all times.
 - (iv) The Petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case.
 - (v) The Petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
41. The Petition stands disposed of in the above terms. The observations made herein are not an expression on the merits of the case.
42. Copy of the Order be sent to the learned Trial Court for compliance.

NEENA BANSAL KRISHNA, J.

OCTOBER 27, 2025/R