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

+ **BAIL APPLN. 2780/2025**

SANDEEP @ PARAS

.....Petitioner

Through: Mr. Sagar Dawar and Mr. Babita
Yadav, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for the State
along with SI Ambika, PS SB Dairy.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

10.11.2025

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1. The Applicant seeks pre-arrest bail in FIR No. 73/2025 registered under Sections 64(1)/115(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023¹ at P.S. Shahbad Dairy.
2. The case of the prosecution, in brief, is that on 25th January, 2025, the complainant, employed as a domestic cook at the residence of co-accused Sangeeta, requested for a loan from her. In response, Sangeeta allegedly showed her a powder-like substance and instructed her to deliver it wherever directed, but she refused. Sangeeta then suggested that the complainant should engage in sex work for money, which was again refused. At that time, Sangeeta's elder son, Kuldeep @ Rocky, and co-accused Mukesh were present; Mukesh allegedly touched the complainant inappropriately,



Sangeeta assaulted the complainant's minor son and telephoned her other son, Paras (the Applicant), who purportedly threatened to kill the complainant and her son if she did not comply. It is further alleged that thereafter, Kuldeep @ Rocky dragged the complainant into a room and sexually assaulted her. However, she managed to flee and lodged a complaint on 26th January, 2025.

3. The Applicant's earlier application for pre-arrest bail was dismissed by the Sessions Court on 11th February, 2025, with the following observations: -

"Ld. Addl. PP for State has strongly opposed the anticipatory bail application stating that as per the statement given today, the allegations against the applicant/accused are punishable u/s 351(2)(3) BNS which are bailable in nature and there is no apprehension of arrest and as such anticipatory bail application is not maintainable.

It is evident from the statement of IO recorded today that the allegations against the applicant/accused are punishable u/s 351(2)(3) BNS which are bailable in nature. Considering the present facts and aforesaid observation and finding force in the submissions of Ld. Addl. PP for the State, the apprehension of arrest of the accused is not justified. Application for anticipatory bail is accordingly dismissed.

Nothing stated hereinabove shall tantamount to expression of opinion on the merits of the case."

4. Subsequently, the Applicant received a notice to join the investigation, wherein Section 70(1) of BNS, was added against the Applicant and other co-accused, necessitating custodial interrogation. The Applicant again approached the Sessions Court seeking pre-arrest bail, which was rejected by order dated 15th April, 2025, considering the gravity of the offence and the alleged non-cooperation of the Applicant in joining the investigation.

¹ "BNS"



5. Thereafter, the applicant approached this, Court. Interim protection was granted by order dated 28th July, 2025 and the Applicant was directed to join the investigation as and when directed by the Investigating Officer (IO).

6. The Applicant has appeared before the IO on two occasions and investigation has concluded and a supplementary chargesheet has since been filed against the Applicant under Sections 70(1)/351(3)/3(5)/209 of BNS.

7. Mr. Hemant Mehla, APP for the State, while opposing the bail application, submits that the allegations in the FIR disclose the commission of a grave and serious offence. However, on instructions from the IO, he confirms that the implication of the Applicant under Section 70(1) BNS, is based solely on the alleged telephonic provocation by the Applicant as he was not present on the place of incident. On a pointed query of the Court, he submits that no other material has emerged against the Applicant in relation to these provisions.

8. Further, it is noted that as per the reply filed by the State before the Sessions Court, the Call Detail Records (CDRs) of the mobile numbers of the accused persons, including Sangeeta and the Applicant Sandeep @ Paras, were obtained and analysed. It was revealed that the Applicant received a call from Sangeeta's phone at 21:34 hours on 25th January, 2025, lasting 53 seconds. The CCTV footage collected from the vicinity during investigation was also analysed, in which the complainant was seen passing at 21:49:05 hours on the same date.

9. As per the complainant, she had gone to the house of co-accused Sangeeta at around 4:00 PM; in contrast, as per the chargesheet, the CCTV footage from the vicinity shows her passing by only around 21:49:05 hours, and the only call between Sangeeta and the Applicant also took place at



about 21:34 hours. Further, as per the CDR analysis of the complainant's mobile number, her tower location at 16:03:54 hours on the same day was traced to Shalimar Bagh, whereas the residence of Sangeeta is situated in Rohini. While the Court is not to assess the probative value of such material at this stage, it must be noted that, as per the record, the timings reflected from the CDR and CCTV footage do not *prima facie* align with the timeline of events stated by the complainant.

10. Having regard to the aforesaid circumstances, and noting that the Applicant has duly joined the investigation as directed and that the investigation now stands concluded, this Court is of the view that custodial interrogation is not required. Considering further that the offences under Sections 351(3) and 174 BNS are bailable in nature, the Applicant deserves to be granted the protection of pre-arrest bail.

11. In view of the foregoing, the application is allowed. The Applicant, in the event of arrest, is directed to be released on bail on furnishing a bail bond for a sum of INR 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;
- d. The Applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;



12. 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.

13. 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.

14. The application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

NOVEMBER 10, 2025/MK