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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2785/2025, CRL.M.A. 21700/2025 & CRL.M.(BAIL) 1739/2025**

SUSHEEL KUMAR SINGH

.....Petitioner

Through: Mr. Ajay Kumar Pipania, Mr. Lavish Chhikara, Mr. Harsh Tomar, Advocates.

versus

STATE (GOVT OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Hemant Mehla, APP for the State with SI Kusum Choudhary, PS KNK Marg
Mr. H.S Gautam and Mr. Hanish Gautam, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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20.08.2025

1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks grant of regular bail in proceedings emanating from FIR No. 322/2025 under Sections 323/376 of the Indian Penal Code, 1860³ registered at P.S. K.N. Katju Marg. The Applicant's earlier application for regular bail was dismissed by the court of ASJ: Special FTC (North), Rohini Courts, Delhi *vide* order dated 18th July, 2025.

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

2.1. The Complainant (Respondent No. 2) resides with her two children in

¹ "BNSS"

² "Cr.P.C"



Rohini, Sector-16, Delhi. She was married on 30th November, 2016 in District Gonda, U.P., and moved to Delhi on 11th January, 2017 along with her husband and sister-in-law, where they started residing in a rented accommodation. The Applicant, who is her brother-in-law, was also residing with them.

2.2. Respondent No. 2 alleges that in June 2021, when she was alone at home, the Applicant entered the premises during the daytime and forcibly established physical relations with her. When she later narrated the incident to her husband, he did not believe her and instead assaulted her. It is further alleged that the Applicant threatened her, asserting that her version would not be accepted and that he would portray the incident as consensual, with the intent of discrediting her and damaging her reputation.

2.3. It is further alleged that on 4th October, 2023, in the absence of other family members, the Applicant again forcibly established physical relations with Respondent No. 2, following which she contacted the police. However, owing to pressure and concern for the tender age of her children, she resiled from her statement before the medical examiner. On 26th November, 2023, the Applicant is alleged to have dragged her with his car, prompting another call to the police. The Complainant further asserts that despite her repeated complaints against the Applicant, no effective action was taken. She has also alleged that her husband frequently assaulted and abused her.

2.4. During investigation, the Complainant's medical examination was conducted and her statement under Section 183 BNSS was recorded, wherein she reiterated the allegations set out in the FIR. The crime scene was also inspected by the Forensic Science Laboratory team. The Applicant

³ "IPC"



was arrested on 25th June, 2025 and remanded to judicial custody. Upon completion of investigation, a chargesheet was filed against him for offences under Sections 323, 376, 506, and 34 IPC.

3. Counsel for the Applicant states that he has been falsely implicated in the present case. His submissions in support of his request are summarized as follows:

3.1. The allegations levelled by Respondent No. 2 stem from the Complainant's strained matrimonial relationship with her husband. The Applicant has been falsely implicated only because he happens to be her brother-in-law.

3.2. There is an inordinate and unexplained delay of more than four years from the alleged first incident (June, 2021) and nearly two years from the second alleged incident (October, 2023) before the registration of FIR dated 6th June, 2025, which seriously undermines the credibility of the prosecution story.

3.3. Although the Complainant has filed several complaints and cases against her husband in the course of their matrimonial discord, none of those complaints contained any allegation of sexual assault against the Applicant, thereby casting serious doubt on the veracity of the belated allegations.

3.4. There is no allegation in the FIR or in any earlier complaints that the Applicant ever threatened or intimidated Respondent No. 2. The absence of such apprehension disentitles the prosecution from opposing bail.

3.5. The medical evidence does not corroborate the allegations. Respondent No. 2 neither underwent timely medical examination nor produced medical records to substantiate her version, further rendering the allegations doubtful.



3.6 The Applicant is willing to comply with any conditions that this Court may impose in the event of his release on regular bail.

4. *Per Contra*, Mr. Hemant Mehla, APP for the State, opposes the bail application and submits the following:

4.1. The offence alleged against the Applicant is grave and heinous in nature, involving serious allegations of sexual assault, which has far-reaching social and moral implications.

4.2. There is an apprehension that if released on bail, the Applicant may repeat the alleged offence, thereby endangering the safety and dignity of Respondent No. 2.

4.3. The possibility of the Applicant tampering with evidence or attempting to influence, threaten, or induce Respondent No. 2 and other material witnesses cannot be ruled out, which would obstruct the fair course of trial.

4.4. There is a likelihood that the Applicant may abscond, evade judicial proceedings, or remain unavailable to face trial, thereby frustrating the process of justice.

5. Counsel for Respondent No. 2, strongly opposes the Applicant's bail application on the following grounds:

5.1. The Applicant subjected the Complainant to repeated sexual assaults in June, 2021 and again on 4th October, 2023, which were promptly disclosed and medically recorded. However, no effective action was taken owing to the Applicant's collusion with the Complainant's husband and his alleged influence with local police and officials. Grant of bail, it is urged, would embolden him to misuse this influence to tamper with evidence and intimidate the Complainant and other witnesses.



5.2. The incident dated 4th October, 2023 was reported to the police without delay, and the Complainant was medically examined the same day at Dr. BSA Hospital, Rohini. Complaints were also escalated to higher authorities, and ultimately, the FIR was registered pursuant to court directions. It is submitted that the medical and complaint record lend support to her version.

5.3. The Applicant, in concert with her husband, has subjected her to repeated threats, assaults, and even attempts on her life, including the incident of 26th November, 2023, when she was allegedly dragged by a car. These acts, it is urged, demonstrate that her life and safety, as well as that of her two minor children, would be gravely imperilled if the Applicant were released on bail.

5.4. The Applicant is acting in active collusion with the Complainant's husband, who has abandoned her and their two minor sons without providing maintenance. Their common objective, it is alleged, is to dispossess her from her residence in Rohini and deprive her of lawful rights. Release of the Applicant on bail, it is argued, will facilitate such unlawful dispossession.

6. The Court has considered the aforementioned facts and contentions. The prosecution case rests predominantly on the statement of the Complainant, there being no supporting scientific or forensic evidence. Indeed, in cases of sexual offences, the sole testimony of the prosecutrix, if found credible and trustworthy, can be sufficient to sustain a conviction. However, that determination, lies within the domain of trial. At the stage of bail, the Court is concerned only with a *prima facie* evaluation of the available material and the surrounding circumstances.



7. What stands out is the considerable delay in setting the criminal law into motion. The first incident is alleged to have occurred in June, 2021, yet the FIR was registered only on 6th June, 2025. A delay of nearly four years, in the absence of any cogent explanation, weakens the prosecution's narrative. While delay in reporting sexual offences does not necessarily discredit the Complainant's version, as often victims of sexual assault hesitate to report the offences owing to trauma, fear, or social stigma. However, such explanation must be based on credible facts. Here, the explanation that the Applicant and his brother had influence with the police remains unsubstantiated and therefore, weakens the evidentiary weight of the allegations and tilts the balance in favour of the Applicant.

8. The record also shows that she had, on several occasions, lodged complaints against her husband and his family members. Yet, conspicuously, none of those complaints contained any allegation of sexual assault against the Applicant.

9. Turning to the second alleged incident of sexual assault on 4th October, 2023. the prosecution's own material reveals contradictions at the very inception. A PCR call was admittedly made alleging assault and rape. However, on the very next day, when the Investigating Officer met the complaint, she specifically denied rape or assault, attributing the earlier call to a misunderstanding. The contemporaneous MLC prepared at Dr. BSA Hospital also records no allegation of sexual assault. This immediate retraction, and the absence of medical corroboration *prima facie*, erodes the credibility of the version later advanced. When this circumstance is viewed along with the unexplained delay in lodging the FIR, the case set up by the prosecution does not justify denial of bail.



10. As per the latest nominal roll dated 11th August, 2025 the Applicant has been in custody since 25th June, 2025 and his conduct in jail is satisfactory. Further, there are no criminal antecedents or pending cases against the Applicant. It is also noted that the chargesheet in the present case, has been filed and the investigation is complete. Additionally, since there are no eyewitnesses in this case, the risk of witness tampering is significantly reduced.

11. It is no doubt true that the alleged offence is grave in nature; however, that factor alone cannot be determinative for denying bail. The Court, while exercising its discretion, is required to strike a balance between competing considerations. It is well settled through a catena of judgments of the Supreme Court that the object of bail is neither punitive nor preventive, but to ensure the presence of the accused during trial.⁴ In light of the aforesaid principles and the facts noted hereinabove, the Court finds it appropriate to enlarge the Applicant on bail.

12. The concerns raised by the State or Respondent No. 2 about the possibility of the Applicant absconding or interfering with witnesses, can be sufficiently mitigated by imposing strict and appropriate conditions.

13. In light of the above, the Applicant is directed to be released on bail on furnishing a personal bond for a sum of INR 50,000/- with one surety of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;

⁴ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



- b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
 - c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
 - d. The Applicant shall appear before the Trial Court as and when directed;
 - e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
 - f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
 - g. The Applicant shall report to the concerned P.S. on the first Friday of every month;
14. 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.
15. 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.
16. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

AUGUST 20, 2025/MK