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

+ **BAIL APPLN. 3078/2025**

SHRI AMBUJ DUBEY

.....Petitioner

Through: Mr.Rajiv Bajaj and Ms.Shivani
Bardia, Advocates

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms.Priyanka Dalal, APP for the State
Mr.Durgesh Pal, Mr.Anish Pandey,
Mr.Garuav and Mr.Manoj,
Advocates for the complainant-
victim

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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27.08.2025

1. The applicant, before this Court having remained under incarceration since 05.07.2025, for a period of 1 months and 22 days, is seeking indulgence of this Court for grant of bail during pendency of the trial in criminal proceedings arising out of FIR No. 15/2025 dated 27.06.2025 for alleged offences under Sections 78 (stalking)/ 351(criminal intimidation) of the BNS and 66E/67A of the Information Technology Act, registered at P.S. Cyber Police Station North East, Delhi.
2. Per FIR, prosecution/prosecutrix case is that the complainant came into contact with the applicant, around November–December 2022 through WhatsApp and Instagram. During their interaction, he obtained her nude visuals during private video calls and later started blackmailing her. He



threatened to circulate these obscene videos and photographs to her family members and relatives unless she complied with his monetary demands.

2.1 The accused extorted money by using the complainant's bank account, later diverting funds to the UPI IDs of his associates. He initially transferred a sum of ₹5,37,000/- and demanded her to send his friends ₹5,94,210/- through UPI transactions. Additionally, he forced her to recharge his mobile and his gaming accounts through threats.

2.2 When the complainant refused to meet his demands, the accused circulated her obscene videos to her family members, causing severe mental harassment. The harassment escalated after her engagement on 12.05.2025, when he started threatening her fiancé and brother through multiple mobile numbers. He even sent obscene content to her brother's number and threatened to send the same to her in-laws.

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

4. Learned counsel for the applicant would contend that the applicant has been falsely implicated in the present case. He would contend that there is no independent corroboration of the so-called "viral" video. He would further contend that the allegations of blackmail and threats are doubtful and fabricated as the complainant never met the applicant physically.

4.1 The counsel for applicant would submit that the allegations relating to extortion of money are false, forged, and unsupported by evidence. He would further submit that no such forensic or electronic evidence has been produced on record regarding circulation of obscene videos to complainant's family.



4.2 Moreover, he would submit that the belated lodging of FIR after one and a half months of the alleged incident indicate afterthought, *malafide* intent and raises serious doubts about the genuineness of the prosecution story. He would also submit that the allegations of threatening to kill complainant's brother and fiancé are bold assertions without any material on record.

4.3 Counsel for applicant would submit that the offences alleged under Section 78/352 BNS and Sections 66E/67A IT Act, 2000 are not of such gravity as to warrant prolonged pre-trial incarceration, particularly when investigation is largely documentary and electronic in nature which has been seized. Moreover, he would also submit that there is no likelihood of the applicant absconding or tampering with the evidence, if granted the concession of bail.

4.4. He would further submit that the applicant was arrested on 05.07.2025 and has been in judicial custody since then. Charge-sheet has not yet been filed, and continued incarceration would amount to pre-trial punishment.

4.5 The Learned Counsel would also submit that the applicant is a 25-year-old unmarried man, belonging to a respectable and educated family. He has been working in private employment for several years and has a bright career ahead of him.

5. Opposing the above submissions, the learned APP for the State argues that the applicant is not entitled to any relief at this stage, on the grounds of the severity of allegations.

5.1 The accused has displayed a clear and continuous pattern of digital abuse, deceit, and exploitation.



5.2 Learned APP for the State would submit that the applicant moved an application for grant of bail before the learned ASJ (NE), KKD but the same was dismissed vide order dated 28.07.2025 on the grounds of exploitative conduct of the applicant, manner of commission of crime and the resultant social disrepute caused by the applicant.

6. Having heard, application deserves to be allowed for the reasons stated here in after.

7. There is some substance in the arguments of the learned counsel for the applicant on the criminal culpability of the applicant. However, the same are matter of trial and can be adjudicated only at the appropriate stage, but in light thereof it appears to be a case for bail.

8. Moreover, as per the status report, there remains nothing further to be investigated as a draft chargesheet has already been prepared against the applicant and is presently under scrutiny with the prosecution branch to be filed in due course. Investigation is since complete and there is thus no further need for custodial interrogation at this stage.

9. Furthermore, relevant documentary and electronic evidence qua applicant herein, has already been seized by the prosecution for forensic examination and evidentiary purposes, making the possibility of evidence tampering highly remote. The same is beyond the reach of the applicant.

10. The applicant has already remained in custody for 1 month and 22 days, and the trial is not likely to be concluded any time soon.

11. The applicant is a 25-year-old man who, at the crucial years of his career and continued preventive detention would jeopardize his career prospects for rest of the life. He is currently engaged in private employment for the past several years and has a bright career ahead of him.



12. The applicant has no criminal antecedents. There is nothing on record to show that he is a flight risk. Further, his continued incarceration would serve no useful purpose, particularly when the trial is not likely to conclude in the near future.

13. Taking a comprehensive view of the matter, this Court finds no further purpose in keeping the applicant in prolonged pre-trial custody.

14. Accordingly, in respect of FIR No. 15/2025 dated 27.06.2025 for alleged offences under Sections 78/351 of the BNS and 66E/67A of the Information Technology Act, registered at P.S. Cyber Police Station North East, Delhi the applicant is directed to be released on bail upon furnishing a bail bond and surety of equivalent amount, and subject to usual conditions as deemed appropriate, to the satisfaction of the learned Trial Court/Duty Magistrate, as the case may be.

15. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same.

16. Accordingly, the bail application stands disposed of in the above terms.

ARUN MONGA, J

AUGUST 27, 2025
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