



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

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*Reserved on: 18th December, 2025
Pronounced on: 24th December, 2025*

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BAIL APPLN. 3664/2025

SANWAR @ AKBAR MALIK

S/o Mr. Ashraf Malik,

R/o C-434, Block C, Jahangir Puri, Delhi.

.....Petitioner

Through: Ms. Neelakshi Bhadauria,
Mr. Sarthak Karol, Mr. Gaurav Vats,
Mr. Harjas Pratap Singh,
Mr. Yashasvee, Ms. Tanishka Pawar,
Mr. Vishal Raj sehijpal, Ms. Diksha
Dharia, Mr. Somesh Goyal,
Mr. Shashank Sharma and
Mr. Abhishek Kumar Singh, Advs.
Mr. Vishal Raj Sehijpal, Mr. Anwar
A Khan and Ms. Priyanka Handa,
Advocates (through VC).

versus

1. **STATE OF NCT OF DELHI**
Through SHO, PS Jahangir Puri

2. **MS. P (Name Withheld)**
D/o. MR. RP
R/o. S.N.

.....Respondents

Through: Mr. Shoaib Haider, APP for State.

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CRL.M.C. 8337/2025

MS. P (Name Withheld)

D/o. ABC

R/o. XYZ

.....Petitioner

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Signature Not Verified

Signed By: VIKAS
ARORA
Signing Date: 24.12.2025
20:46:51



Through: Appearance not given.

versus

1. **STATE OF NCT OF DELHI**

Through SHO, PS Jahangir Puri, Delhi.

2. **SANWAR @ AKBAR MALIK**

S/o Mr. Ashraf Malik,

R/o C-434, Block C, Jahangir Puri, Delhi.

.....Respondents

Through: Ms. Richa Dhawan, APP for State.
Mr. Vishal Raj Sehijpal, Mr. Anwar A Khan and Ms. Priyanka Handa, Advocates for R-2 (through VC).

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Second Bail Application under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (*hereinafter referred to as "BNSS"*), has been filed on behalf of the **Applicant, Sanwar @ Akbar Malik** seeking **Regular Bail** in FIR No. 0614/2025 under Sections 64(1)/75/78/127/126(2)/79 of the Bharatiya Nyaya Sanhita, 2023 (*hereinafter referred to as "BNS"*), registered at P.S. Jahangir Puri.

2. Secondly, a Petition under Section 483(3) read with Section 528 BNSS has been filed on behalf of the **Petitioner/Ms. 'P'** for **Cancellation of Interim Bail dated 10.10.2025** granted to the Respondent/Sanwar @ Akbar Malik on the ground that he has not undergone any surgery procedure, who is roaming around attending all the public functions.

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3. The Applicant submits that as per DD No.0055A dated 24.05.2025 at 12.16.20 hours, it was recorded that the caller lady was saying she had given money to a person named, *Sanwar* on interest. Today when she went to take her money back, he misbehaved with her and had tried to commit rape. It is asserted that in the first reporting of the incident, there is no mentioning whatsoever, of alleged rape by the Applicant, however, later, in order to make her case strong and implicate the Applicant, she made various improvements in her statement, which is evident from the record.

4. In her subsequent statement recorded under Section 183 BNSS., she claimed that the door of the *jhuggi* was open, in which she was pulled and the door was shut. She was pushed on the bed and the Applicant bit on her hand and thereafter, forcefully inserted his hand in her pants and inserted his finger in her private part. He also removed his '*nikkar*' and took out his penis, but the Police arrived. On seeing that the Police is coming, he snatched her mobile phone, but it got left, as the call got made to the Police. The Applicant, due to fear, left her and ran away.

5. The Applicant claims that he is known to the Complainant/Prosecutrix, who herself has stated that there was some money related issue. The possibility of the false implication of the Applicant cannot be ruled out.

6. The Applicant is involved in 7 other cases, however, it is explained that he has already been discharged in four FIRs, while no record is traceable of FIR No.544/2019 and FIR Nos. 437/2020 and 440/2022 are pending trial.



7. The Applicant has further referred to the statement of witness, *Sabina D/o. Hanif Khan*, recorded under Section 160 BNSS, to assert that the allegations made by the Prosecutrix stand disproved by her statement. She has stated that she was present in her *jhuggi* and no man or girl came to her *jhuggi* and nor was there any hue and cry in the locality. *It clearly reflects that the entire incident has been fabricated by the Prosecutrix.*

8. Furthermore, her statement gains importance, as the Prosecutrix has claimed that she had been dragged by the Applicant inside someone's house and the owner of the house is this witness *Sabina*, whose testimony cannot be disregarded. The entire case of the Prosecutrix is required to be carefully scrutinized in light of the statement of this witness, who is an independent person.

9. It is asserted that the Police did not fairly investigate the matter and the FIR has been registered in haste and thereby, has played with his Fundamental Rights. The allegations made in the FIR are far-fetched, imaginary and a work of concoction of the Prosecutrix.

10. Moreover, parents of the Prosecutrix are trying to extort money from the Applicant after lodging this false FIR. Their expectation and negotiations have been duly recorded in a video, which is available with the Applicant.

11. The allegations against the Applicant in the Chargesheet are that he had sexually assaulted the Prosecutrix, the same are unsubstantiated and without any basis. In fact, the root cause of the matter is a dispute regarding payment of money, that too between the Prosecutrix and the Applicant's



brother, for which he has been made a scape goat by Prosecutrix as a pressure tactic.

12. In the CCTV footage, the appearance and demeanour of the Prosecutrix shows that nothing as alleged by her has taken place and in fact, the entire story and allegations are figment of her imagination. She had alleged that the Applicant caught hold of her hand and started following her. However, these averments are completely belied by CCTV footage, which reflects that no such incident took place and that entire story of the Prosecutrix is false.

13. The Applicant is 40 years old, possesses high moral values and cannot even in slightest of imagination commit the alleged offence. During investigation, nothing incriminating was found against him.

14. The statements of the Prosecutrix were recorded by the Police under Sections 160 BNSS and 183 BNSS and FIR in question was registered. She was taken to the Hospital for her medical examination, where she refused for internal examination.

15. Therefore, even if the allegations are taken to be true at their face value, do not inspire any confidence and it is evident that the Applicant has been falsely implicated.

16. It is further submitted that the Applicant is a permanent resident of the address given and has deep roots in the society. He undertakes to cooperate in the investigations and abide by the conditions imposed by this Court while granting Bail.

17. Applicant further states that his Bail Application has been rejected by learned ASJ on 30.07.2025 on conjectures and surmises. He is a law-abiding

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peace-loving citizen of India, who believes in due process of law. It is submitted that the investigations are complete and Chargesheet has already been filed in the Court in July 2025. No fruitful purpose would be served by keeping him in Jail. He is in custody since 20.07.2025. Moreover, the Prosecutrix has twisted the facts to misuse the process of the law.

18. *A Prayer is therefore, made that he be granted Regular Bail.*

19. **Status Report has been filed on behalf of the State**, wherein the details of the FIR and investigations carried out, after which the Chargesheet was filed in the Court, has been narrated.

20. It has been explained that during investigations, Prosecutrix was served Notice under Section 94 BNSS to provide the details of transactions of amount she had made to accused, Sanwar @ Akbar Malik as per her allegations in the FIR. She, in reply to aforesaid Notice, stated that online payments were made to the accused on his mobile number 9873749728 through net banking and some transactions were done through *PhonePe* Application. She provided statement of her SBI Account, Narela Branch and some screenshots of *Phonepe* Application, showing transactions made to a person, namely, Akbar Ali on Mob. No.9873749728. She highlighted several transactions in her Accounts Statement made by her to the accused.

21. On 20.06.2025, a Notice under Section 94 BNSS was served upon the brother of accused namely, *Aminun Malik*, wherein he was directed to provide the CCTV Footage of camera installed at place of incident i.e. *H. No.XXX, Jahangir Puri, Delhi*.

22. On 04.07.2025, he provided a Pendrive containing 05 clips of CCTV Footage dated 24.05.2025 along with original DVR. They were seized by

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the Police and the pen drive was placed on file, while DVR was deposited in Malkhana. On checking 05 clips in Pendrive, it was found that on first clip of 12:06:40 to 12:07:18, victim entered in the house i.e. *H. No.CXXX, Jahangir Puri, Delhi* at 12:07:09. Second clip of 12:07:09 to 12:07:33 reflected that victim entered at the stairs of the aforesaid house at about 12:07:18. Third clip of 12:06:47 to 12:08:36 reflected that victim stayed at the stairs of the fourth floor of the aforesaid house and at about 12:08:20 accused, Sanwar came at the door of that house. Fourth clip of 12:08:47 to 12:09:09 reflected that victim was going down the stairs at about 12:08:57 and fifth clip of 12:09:05 to 12:11:01 reflected that victim stayed at the door of aforesaid house and the accused, Sanwar was also present there.

23. During investigations, on 11.06.2025, non-bailable warrants were issued against the Applicant, but he was not found available and he evaded the arrest. On 17.07.2025, his Anticipatory Bail was rejected by the learned District and Session Court. Chargesheet had been filed in the Court. He was arrested on 21.07.2025 and sent to judicial custody.

24. On 23.07.2025, Police custody remand was obtained for one day, wherein the Applicant disclosed that when the Prosecutrix had come, he had abused her, inserted his hand in her pants and had put his finger in her private part.

25. *The Supplementary Chargesheet has been filed in the Court.*

26. The **Bail is opposed on the ground that** the Applicant is a habitual offender with multiple involvements in seven other cases as detailed therein and if released on Bail, there is strong possibility that he may threaten the witnesses and the Prosecutrix and may also tamper with the evidence. He

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had earlier absconded during investigations and could be arrested only after issuance of non-bailable warrants.

CRL.M.C. 8337/2025: Cancellation of Interim Bail Granted vide Order dated 10.10.2025:

27. During the pendency of the present Bail Application, the Applicant filed an Application bearing CRL.M.(BAIL) 2069/2025 seeking Interim Bail for a period of 60 days on medical grounds, which was allowed by this Court *vide* Order dated 10.10.2025. Thereafter, another CRL.M.(BAIL) 2482/2025 was filed for extension of Interim Bail for 60 days on medical grounds, which was also allowed *vide* Order dated 15.12.2025 and the Interim Bail was extended for four weeks.

28. The Petitioner/Ms. 'P' aggrieved by the Interim Bail granted to Applicant/Sanwar @ Akbar Malik, has filed a Petition under Section 483(3) read with Section 528 BNSS for cancellation of Interim Bail granted to Accused/Respondent No.2, on the ground that he has not undergone any surgery procedure, who is roaming around attending all the public functions.

29. It has been submitted that the accused, who had borrowed Rs.27,00,000/- from the petitioner on interest, has physically assaulted and sexually abused her on 24.05.2025, when she demanded repayment. The accused has a criminal background, with multiple previous cases of assault, theft, and sexual offences pending against him, as disclosed by himself in his Bail Application.

30. His first Anticipatory Bail was dismissed on 02.07.2025 and second Anticipatory Bail was dismissed on 17.07.2025. Thereafter, he did not join



investigations. His Regular Bail has also been dismissed by Ld. ASJ on 30.07.2025 noting the seriousness of the offence and likelihood of tampering with evidence.

31. Interim Bail granted to Accused *vide* Order dated 10.10.2025 has been **challenged on the ground** that the Prosecutrix had not been informed before granting Interim Bail to the accused, which means, non-compliance of mandatory procedure safeguard under Section 483(2) BNSS, which constitutes sufficient ground for cancelation of the Bail, for which, reliance has been placed on *X vs. The State of Uttar Pradesh & Anr.*, CRL.A.5385/2024. It is asserted that Interim Bail has been obtained by misrepresentation and suppression of material facts, as narrated above. Reliance is also placed on *Puran vs. Rambilas*, (2001) 6 SCC 338.

32. The next ground for cancellation is that he is misusing the liberty of Interim Bail, as he is enjoying his life like normal and fit human being doing everyday chores, going to gym and enjoying in parties etc., even though the Bail was sought on medical grounds alleging that his health condition is critical and requires urgent treatment, surgeries etc. He, in reality, is completely fit and fine. The photographs of have been annexed with the Petition.

33. It is further contended that there were specific conditions imposed upon the Applicant while granting Interim Bail *vide* Order dated 10.10.2025, one of which is that he shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses. However, he is repeatedly violating this condition.



34. He is seen roaming freely near the Complainant's locality and participating in public events, thereby intimidating the Complainant and violating the very spirit of Interim Bail.

35. Reliance is placed on State (Delhi Administration) vs. Sanjay Gandhi, (1978) 2 SCC 411, wherein the Hon'ble Supreme Court held that the Bail must be cancelled where the accused misuses liberty to interfere with witnesses or obstruct justice. The Applicant's post-release conduct falls precisely within this category of misuse.

36. It is next contended that there are supervening circumstances and threat to fair trial or public justice in the light of violation of Bail conditions, insomuch as his presence in the vicinity of the Complainant, has caused fear and anxiety.

37. Reliance is placed on State of U.P. vs. Amarmani Tripathi, (2005) 8 SCC 21; Kanwar Singh Meena vs. State of Rajasthan, (2012) 12 SCC 180; and Dolat Ram vs. State of Haryana, (1995) 1 SCC 349.

38. It is submitted that the Applicant's misuse of liberty, coupled with the absence of medical justification and threat to the Complainant's safety, clearly satisfies the threshold for cancellation of Bail, as laid down by the Hon'ble Supreme Court. The Applicant got Interim Bail by misrepresentation and on the basis of false and frivolous grounds.

39. A Prayer is therefore, made that the Interim Bail granted to Accused vide Order dated 10.10.2025 be cancelled.

40. A Status Report has been filed on behalf of the State, wherein it has been submitted that the medical documents of the Applicant have been



verified from three different departments, i.e. Medicine Department, Surgery Department and Orthopedic Department. Details of which are stated therein.

Submissions heard and record perused in both cases.

41. The case of the prosecution is that on the statement of Prosecutrix, present FIR No. 0614/2025 under Sections 64(1)/75/78/127/126(2)/79 BNS was registered at P.S. Jahangir Puri, Delhi. The allegations made by the Prosecutrix was that the accused was known to her through one through *Anjit Kalra*, who used to lend money in the market. The Applicant had taken friendly loan from him and on his asking, she had given money to the Applicant, which he failed to repay.

42. From the averments made in the Complaint and even during investigations, it has been *prima facie* found that the parties were known to each other and there were financial transactions between them. The Prosecutrix has asserted that she had gone to the house of the Applicant on 24.05.2025 at about 11:45 AM to seek return of her money. She knocked the door, which was opened by the Applicant, who thereafter, started abusing her in unparliamentarily language and started pulling her hand, which she got free and rushed down the staircase. He chased her and pulled her in one room, which was there, but she called the Police at No.112 and came out of the House in the *Gali* and ran towards C.D. Park Road.

43. The Applicant chased her and pulled her in *Jhuggi No.XX*, the door of which was opened, where he locked the door and pushed her to the bed, inserted his hand in her pants and also inserted his finger in her private part.

44. Pertinently, in the *Status Report*, the details have been given in regard to the clipping of CCTV footage, wherein it was visible that the Prosecutrix



had gone to the house of the Applicant and thereafter, she came out and had walked down the staircase. She was not seen running or even walking hurriedly down the staircase. The Applicant had thereafter, followed her, but it was not reflected that he had chased her down the stairs.

45. Thus, the CCTV footage, which forms part of the Chargesheet, does not *prima facie* corroborate the assertion of the Prosecutrix that she was chased or forcibly dragged down the staircase.

46. Furthermore, while the Prosecutrix had asserted that she had been pulled into a *jhuggi*, where attempt to rape was made, but during the investigations, statement of witness, *Sabina D/o. Hanif Khan*, owner of said *jhuggi*, was recorded, who had stated otherwise and does not support the version of forcible confinement or hue and cry.

47. From the rival contentions, it is not in dispute that there was money transaction between the Applicant and Accused. The investigations have already been completed and the Chargesheet has been filed. The Applicant is in Judicial Custody since 20.07.2025. Considering the circumstances and the background in which the incident took place, there is no likelihood of the Applicant either influencing the witnesses or tampering with the evidence. Much has been contended by the Prosecutrix about the gravity of the offence, but it is a matter of trial.

48. Prosecutrix has also contended that Interim Bail has been obtained by the Applicant on medical grounds by making false assertions, though he has claimed that he was medically unwell, but he can be seen roaming around and attending parties etc. He is also coming to the vicinity of the Prosecutrix, thereby inducing threat and fear to her.



49. While the Prosecutrix has claimed that Interim Bail of the Applicant on medical grounds has been obtained by wrong projection of medical condition, however, *Medical Status Report dated 22.09.2025*, reflects as under:

“On repeated complaints of bleeding P/R associated with painful defecation, inmate patient was sent to DDU Hospital for surgery reference latest on 11.09.2025 wherein proctoscopy was conducted and suggestive of external fissure at 3 & 6 O' clock position with external haemorrhoid at 3, 7 & 11 O' Clock position for which he was advised appropriate diet, hot water fomentation with conservative treatment for now and advised few investigations along with medicine reference to ascertain timeline for possible surgical intervention.

On 02.09.2025 inmate patient presented at Jail Dispensary in emergency with complaint of painful defecation with active bleeding per rectum with one episode of black out in the morning for which after providing primary treatment he was immediately referred to DDU hospital for further management wherein he was examined by SR Surgery, who on examination advised the patient to report in surgery OPD for proctoscopy and consideration for surgery.

At present, inmate patient is primarily suffering from P/R Bleeding with painful defecation due to external fissure in Ano and external haemorrhoids as detailed above and arthritis of knee (septic) for which he is reportedly facing difficulty in performing daily routine activities with restricted movement for which he is under treatment and may require surgery in due course of time.”

50. At the time of extension of Interim Bail, Status Report dated 13.12.2025 was filed by the State, wherein it was stated that Applicant's medical documents have been received from BJRM Hospital from three different departments, i.e. Medicine Department, Surgery Department and Orthopedic Department. And, considering the medical ailments and its



verifications from the Hospital, the Interim Bail granted to the Applicant was extended for 30 days.

51. The Applicant may have been pursuing his routine activities, but that in itself, is not sufficient to show that he does not suffer from any medical ailment, for which he is already undergoing treatment.

52. There is no ground for cancellation of Interim Bail granted to the Applicant. However, considering the aforesaid discussion, Applicant/Sanwar @ Akbar Malik is admitted to Regular Bail, on the following terms and conditions:

- a) He shall furnish a personal bond of Rs.30,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) He shall appear before the Court as and when the matter is taken up for hearing;
- c) He shall provide his mobile number/changed mobile number to the I.O. concerned, which shall be kept in working condition at all times;
- d) He shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case he changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

53. The copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.

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54. The above Bail Application is accordingly allowed and Criminal Petition is dismissed along with the pending Application(s), if any.

**(NEENA BANSAL KRISHNA)
JUDGE**

DECEMBER 24, 2025/R