



\$~1

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

+ **BAIL APPLN. 3881/2024**

SUBHASH SINGH

.....Petitioner

Through: Mr. Sunil Kumar Mehta, Advocate

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State with SI Kamlesh Meena and
Insp Kailash Chand PS Tilak Nagar
Main IO.

Ms. Preety Pandey, Advocate for
complainant.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

10.03.2025

%

1. By way of the present application, the applicant is seeking regular bail in case FIR bearing no. 232/2022, registered at Police Station Kishan Garh, Delhi for the offences punishable under Sections 376/354C/506/509 of the Indian Penal Code, 1860 (hereafter 'IPC') and Section 6 of the Protection of Children from Sexual offences Act, 2012 (hereafter 'POCSO Act').

2. Briefly stated, the facts of the present case are that the complainant had lodged a complaint on 27.04.2022, wherein she had alleged that after she had passed out from her school in the year 2017, her teacher Surender Singh had taken her to an academy in Munirka for attending a course on spoken English in December, 2017. In the said Academy, she had met the



accused Subhash Singh. It is alleged that on 01.12.2017, the accused had taken her to his house in Kishangarh and had established physical relations with her, and had also prepared her nude/obscene videos and photographs. The accused allegedly used to threaten and blackmail the complainant on the strength of the said videos and photographs. It is alleged that the accused had thereafter established physical relations with her on several other occasions and had also promised to marry her. He also used to ask the complainant to undress herself on video calls and also send him her inappropriate videos. Further, the accused had also obtained Rs. 4 lakhs from the complainant for some work. It is alleged that the accused had fraudulently obtained the mobile numbers of the friends and relatives of the complainant from her mobile phone, and in March-April, 2022, he had shared the nude videos and photographs of the complainant on social media platforms i.e. WhatsApp and Instagram. On these allegations, the present FIR was registered. The applicant was arrested on 30.04.2022. During the course of investigation, it was found that the complainant was major at the time of first alleged incident, and accordingly, Section 6 of POCSO Act was removed from the FIR. After completion of investigation, chargesheet was filed in the case.

3. The learned counsel appearing on behalf of the present accused/applicant argues that the applicant has been falsely implicated in the present case. It is argued that the applicant and the complainant were in a consensual relation over a period of time, and even the MLC of the complainant records 'history of consensual intercourse' between them. It is stated that undisputedly, the complainant was major at the time of incident. It is further argued that the applicant has been in judicial custody for about 3



years, and the testimony of the complainant has already been recorded. Therefore, it is prayed that the applicant be released on regular bail.

4. The learned APP for the State, on the other hand, argues that the allegations levelled against the present accused/applicant are serious in nature. It is further argued that the applicant had malafide intention from the very beginning and he had prepared and misused the obscene photographs and videos of the complainant in order to blackmail her. It is argued that the witnesses examined so far have supported the prosecution's case on material aspects, and therefore, it is prayed that the present bail application be dismissed.

5. This Court has heard arguments addressed on behalf of the applicant as well as on behalf of the State, and has perused the material available on record.

6. Insofar as the allegations against the applicant are concerned, the learned counsel for the applicant had pointed out certain contradictions in the complaint given initially to the police, version of complainant recorded in MLC - which mentions about consensual sexual intercourse, and her statement recorded under Section 164 of Cr.P.C. and testimony before the learned Trial Court. However, the same shall be appreciated by the learned Trial Court at the appropriate stage.

7. At this juncture, it is relevant to note that the applicant has been in judicial custody for about 03 years. Out of 29 prosecution witnesses, about 10 have been examined, including the material witnesses. The trial will take some time to conclude.

8. Therefore, considering the overall facts and circumstances of the case and that the accused/applicant is in custody for the last 03 years, this Court



is inclined to grant regular bail to the applicant on his furnishing personal bond in the sum of Rs.20,000/- with surety of the like amount to the satisfaction of the Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall surrender his passport and not leave the country without prior permission of the concerned Court.
 - ii) The applicant shall not directly or indirectly make an attempt to influence the witnesses, or contact the complainant, or tamper with the evidence in any manner.
 - iii) The applicant shall share his mobile number with the concerned IO/SHO, and shall keep the same switch on/active at all times.
 - iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.
 - v) The applicant shall appear regularly before the learned Trial Court.
9. Accordingly, the present application stands disposed of.
10. The order be uploaded on the website forthwith.

MARCH 10, 2025/zp

SWARANA KANTA SHARMA, J

[Click here to check corrigendum, if any](#)