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

+ **BAIL APPLN. 4153/2025**

DEEPAK KUMAR

.....Petitioner

Through: Ms. Anjulata, Advocate.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP with SI
Ajeet Singh, PS-Kapashera.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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22.12.2025

CRL.M.A. 32294/2025 (exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

BAIL APPLN. 4153/2025

1. This is an application filed on behalf of applicant/accused, seeking grant of bail in case FIR No. 279/2024, under Sections 376D/354(C) IPC and Section 67 IT Act, registered at Police Station Kapashera.
2. Learned counsel, who appears for the applicant, submits that applicant is innocent and is not involved in the commission of alleged offence in any manner whatsoever. He is a resident of Bihar, and was not even present in Delhi on the date of commission of offence. She further submits that there is no recovery of mobile phone from his possession, and there is no evidence *qua* him that he had circulated videos of the incident. She further states that



there is delay in the registration of FIR, for which there is no explanation.

3. The bail application has been opposed by learned APP appearing on behalf of State, arguing that allegations against the applicant are grave and serious in nature. Applicant had recorded the video of the incident of rape and on the basis of said video, blackmailed the survivor to have sex with him. He further submits that applicant was arrested after about one year of the registration of the FIR. Moreover, the testimony of survivor is still not completely recorded, and therefore, there is likelihood that upon being released, he may threaten/intimidate or influence the survivor.

4. The FIR in this case has been registered at the instance of the survivor. She alleged that she came in contact with co-accused Ashok Kumar Sharma, who invited her to his house on 06.02.2024. When survivor reached his house, the applicant-Deepak Kumar and his friend Ram Kishore Ahirwar were also present there. Ashok Kumar Sharma established physical relations with the survivor, which was secretly recorded by the applicant-Deepak Kumar on his mobile phone. Later, Ashok Kumar told the survivor to establish physical relations with the applicant and threatened her that otherwise he would make her video viral. Applicant then forcefully established physical relations with the survivor. After that, co-accused Ram Kishore, also established physical relations with the survivor forcibly.

5. After the incident, Ashok Kumar started calling the survivor repeatedly and threatened to leak her photos and videos. He shared her obscene videos with her husband and relatives/friends. Co-accused Ram Kishore, also threatened her to make her videos viral on Facebook and forced her to have physical relations with him. Survivor has also alleged that Ashok Kumar took her gold ornaments and said that he would return them in



four months, but never returned.

6. Upon arrest of co-accused Ram Kishore, his mobile phone was recovered from his possession. On checking his mobile phone, nude photos and videos of the survivor with co-accused Ashok Kumar were found in the Whatsapp chat.

7. In her statement under Section 164 Cr.P.C, the survivor has corroborated her version given to the Police.

8. During investigation, Police has recorded the statement of witnesses, namely, Irfan Ansari and Mr. Dhiraj Yadav, who stated that they received calls, nude photos and videos of victim on their Whatsapp number from mobile No. 7743056160, which has been found to be registered in the name of wife of co-accused Ashok Kumar Sharma. The call detail records shows that several calls were made from mobile phone of Ashok Kumar to mobile phone of PW-Dhiraj Yadav.

9. During the Test Identification Parade (TIP), the survivor successfully identified applicant-Deepak.

10. As is evident, the allegations *qua* the present applicant are grave and serious in nature. The delay in the registration of FIR is not fatal at this stage. The question of delay in registration of FIR shall be considered during the course of trial. Survivor is stated to be under examination before the Court. The possibility that upon being released, the applicant may threaten/intimidate or influence her cannot be ruled out. The plea of *alibi* is a matter of defence of the applicant, to be proved during the course of the trial.

11. Hence, keeping in view the totality of facts and circumstances, particularly the nature and gravity of allegations and severity of punishment



that the offence may entail, the Court finds that this is not a fit case for the grant of bail to the applicant.

12. The application is, therefore, dismissed.

RAVINDER DUDEJA, J

DECEMBER 22, 2025/vd/na