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

+ **BAIL APPLN. 1084/2026**

MUKESH KUMAR

.....Petitioner

Through: Mr. Vikrant Chowdhary, Advocate
(through VC)

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
State along with SI Abhimanyu
Tomar, PS: Cyber South Cell and ASI
Jitendra Singh, PS: Karawal Nagar..

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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18.03.2026

CRL.M.A. 8143/2026 & CRL.M.A. 8144/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

BAIL APPLN. 1084/2026

3. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 153/2025, registered at Police Station Karawal Nagar, Delhi, for the commission of offences punishable under Sections 85/89/3(5)/316(2) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS') and Section 23(3) of the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 (hereafter, 'PCPNDT Act').
4. Issue notice. The learned APP accepts notice on behalf of the State.



5. Briefly stated, the facts of the present case are that on 10.02.2025, *vide* DD No. 87A, an information was received regarding the death of the sister of the caller. The deceased, who was the mother of two daughters, was pregnant at the relevant time. It is alleged that she was subjected to an ultrasound examination by the applicant, wherein the fetus was identified as female, following which her pregnancy was terminated at Dhanwantri Hospital. It is further alleged that subsequent to the said procedure, the deceased developed an infection and was taken to GTB Hospital, Delhi, where she was declared brought dead. During the course of investigation, the statement of the father of the deceased was recorded, who stated that the deceased had been married to the present applicant in the year 2020, and had given birth to two daughters. It was also alleged that the deceased was subjected to taunts by the applicant and his family on this account. It was further stated that when the deceased conceived for the third time, the applicant had taken her for an ultrasound examination and, upon learning that the fetus was female, had taken her for termination of pregnancy. It is further the case of the prosecution that after returning home on 08.02.2025, the deceased developed complications, and on 10.02.2025, she succumbed to her death.

6. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and has been in judicial custody since 02.08.2025, without there being any cogent material on record to connect him with the alleged offences. It is contended that the prosecution case rests merely on vague, general, and omnibus allegations, and no specific instance of cruelty, coercion, or unlawful conduct has been attributed to the applicant. Even as per the FIR, no overt act has been



assigned to him in relation to the alleged termination of pregnancy. It is further argued that the medical evidence does not support the prosecution's case, inasmuch as the MLC does not reveal any external injuries or signs of violence, and the post-mortem report remains inconclusive, with the final forensic report still awaited. In the absence of any definitive medical opinion, it is submitted that no causal link can be established between the alleged acts of the applicant and the death of the deceased. Learned counsel also submits that the medical record of Dhanvantri Hospital only reflects delivery of a stillborn child, and does not indicate any illegal medical procedure having been conducted. It is additionally contended that the FIR has been lodged after an unexplained delay of nearly three months, which raises serious doubts regarding the veracity of the allegations and suggests that the same are an afterthought. In these circumstances, it is prayed that the applicant be enlarged on bail.

7. The learned APP for the State, assisted by the learned counsel for the complainant, has opposed the present bail application and submits that the allegations against the applicant are grave and serious in nature. It is contended that the applicant, being the husband of the deceased, was fully aware of her medical condition and circumstances, and had an active role in the events leading to her death. It is submitted that the deceased, who was already a mother of two daughters, had conceived for the third time, and the applicant had taken her for illegal sex determination on two occasions, i.e., on 26.01.2025 and 05.02.2025. It is further argued that thereafter, on 07.02.2025, the deceased was taken to a hospital in a critical condition after allegedly consuming pills for termination of pregnancy, where she was suffering from severe abdominal pain and excessive bleeding. It is submitted



that she delivered a dead fetus, and her condition deteriorated thereafter, ultimately resulting in her death on 10.02.2025. Learned APP submits that the sequence of events clearly indicates the involvement of the applicant in facilitating the illegal sex determination and subsequent termination of pregnancy. It is thus contended that the applicant was not a passive bystander, but had actively participated in the commission of the offence. In view of the gravity of the offence and the role attributed to the applicant, it is prayed that the present bail application be dismissed.

8. This Court has heard the arguments advanced on behalf of the learned counsel for the applicant as well as the learned APP for the State, assisted by the learned counsel for the complainant, and has carefully perused the material placed on record.

9. At the outset, this Court notes that the allegations against the present applicant, who is the husband of the deceased, are that the applicant was actively involved in subjecting the deceased to illegal sex determination procedures and thereafter facilitating the termination of pregnancy upon learning that the fetus was female, which ultimately resulted in her death.

10. This Court further observes that, as per the material collected during investigation, the applicant had allegedly taken the deceased on two separate occasions, i.e., on 26.01.2025 and 05.02.2025, for the purpose of illegal sex determination. The consistency in the timeline, as projected by the prosecution, lends support to the allegation of continued involvement of the applicant in the sequence of events leading up to the death of the deceased.

11. The medical record obtained from Dhanwantri Hospital also assumes significance at this stage. It reflects that the deceased was admitted on 07.02.2025 with complaints of abdominal pain and heavy bleeding, and had



reportedly consumed medication to terminate the pregnancy. It is further recorded that she delivered a dead fetus, and thereafter her condition deteriorated. The subsequent development of infection and her death on 10.02.2025 form part of a continuous chain of events, which, at this stage, cannot be disassociated from the allegations levelled against the applicant.

12. This Court also takes note of the statement of co-accused Avdhesh Kumar, who had allegedly stated that the applicant, along with the deceased, had approached him for facilitating sex determination of the unborn child through another co-accused. Though such a statement would be tested during trial, at the present stage, it forms part of the material collected during investigation, and cannot be brushed aside outright while considering the prayer for bail.

13. The contention of the learned counsel for the applicant regarding absence of direct medical evidence or conclusive post-mortem findings, as well as the delay in registration of the FIR, are matters which would require deeper appreciation of evidence and are more appropriately to be considered during trial. At this stage, this Court is only required to form a prima facie view on the basis of the material available on record, without conducting a meticulous examination of the evidence.

14. This Court also finds it necessary to note that the allegations in the present case are not confined to a private dispute between individuals, but touch upon a much larger social issue. The allegation that a pregnancy was terminated after determining that the fetus was female reflects a mindset that continues to persist despite years of legal and social efforts to change it. The law has, in clear terms, prohibited such practices, recognising the harm they cause not only to individuals but to society as a whole.



15. Female sex determination followed by termination of pregnancy is not just an offence in law; it reflects a disregard for the value of a girl child at the very threshold of life. Such acts reinforce patterns of discrimination that the legal framework seeks to correct. When such allegations come before the Court, they cannot be viewed in isolation. They carry with them wider implications, and therefore require a careful and serious approach, particularly at the stage of considering bail.

16. It is also pertinent to note that the charges are yet to be framed and material witnesses, including family members of the deceased and other relevant persons, are yet to be examined. In such a situation, considering the nature of allegations and the relationship of the applicant with the deceased, this Court cannot rule out the possibility of the applicant influencing or intimidating the witnesses, if released on bail at this stage.

17. Having regard to the overall facts and circumstances of the case, the nature and gravity of the allegations, the material collected during investigation, and the stage of the proceedings, this Court is of the considered opinion that no ground for grant of regular bail is made out in favour of the applicant at this stage.

18. Accordingly, the present bail application stands dismissed.

19. It is, however, clarified that nothing stated herein shall be construed as an expression on the merits of the case.

20. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 18, 2026/vc/TS