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

+ **BAIL APPLN. 1619/2026 CRL.M.A. 13046/2026**

AMAN BINDRA

.....Petitioner

Through: Mr. Amit Tiwari, Mr. Chaitanya Puri, Mr. Anand Awasthi, Mr. K. Malik & Mr. Ujjwal Tyagi, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Ms. Manjeet Arya, APP along with Mr. Abhimanyu Arya, Advocate.
Appearance not given for prosecutrix.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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27.04.2026

1. By way of this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the petitioner seeks anticipatory bail in connection with FIR No. 80/2026, dated 25.03.2026, under Sections 64(1)/126/351(2)/115(2) of the Bhartiya Nyaya Sanhita, 2023 ["BNS"], lodged at Police Station Shalimar Bagh.
2. I have heard Mr. Amit Tiwari, learned counsel for the petitioner, Ms. Manjeet Arya, learned Additional Public Prosecutor for the State, and learned counsel for the prosecutrix.
3. The petitioner had earlier approached the Sessions Court seeking anticipatory bail, which was dismissed *vide* order dated 07.04.2026. Before the Sessions Court, the prosecution had filed a Status Report,



which has been annexed to this petition¹.

4. The prosecution case, as stated in the FIR and status report filed before the Sessions Court, are as follows:

- A. The prosecutrix stated that she had first met the petitioner around three years ago through a mutual friend, and they entered into a relationship approximately one year ago. During the course of the relationship, the petitioner proposed marriage to her, however, she declined the proposal after her family objected to the relationship.
- B. Following the rejection of the marriage proposal, the prosecutrix stated that the petitioner began repeatedly calling and messaging her from different mobile numbers, despite her unwillingness to continue the relationship.
- C. On 22.03.2026, when the prosecutrix had gone out to purchase groceries, she allegedly found the petitioner waiting for her outside in his car. She stated that the petitioner threatened to leak her private photographs and videos if she refused to meet him, and also told her that he had only been with her to establish physical relations. Owing to these threats, she sat inside his car, whereupon the petitioner allegedly locked the doors and asked her to remove her clothes. Despite her refusal, he forcibly established sexual relations with her.
- D. The prosecutrix further alleged that thereafter, the petitioner took away her mobile phone and questioned her regarding messages received from another man. She stated that he assaulted her with a “Kadha”, pulled her hair, slapped her, and eventually threw her

¹ Annexure 5 to the bail application.



phone out of the car window. She managed to escape only after the petitioner stopped the car.

- E. Pursuant to this incident, a PCR call was received *vide* DD No. 64A in Police Station Shalimar Bagh, wherein it was recorded that the lady caller reported that she had been assaulted by her friend inside his car and that he had also broken her mobile phone.
- F. During the course of inquiry, the PCR caller visited the police station and submitted a written complaint alleging history of physical assault against her boyfriend, who is the petitioner herein. She denied medical examination.
- G. On 23.03.2026, MLC of the prosecutrix was conducted at Babu Jagjivan Ram Memorial Hospital [“the Hospital”], wherein she alleged physical assault at around 6:30 PM on 22.03.2026, and sexual abuse at the same time. The nature of injuries were recorded as simple.
- H. On 25.03.2026 at 12:10 AM, the prosecutrix made a further written complaint to the concerned SHO, wherein she alleged history of physical and sexual assault, including penetrative sexual assault.
- I. The prosecutrix was again taken to the Hospital on 25.03.2026, where her MLC was conducted. She reiterated the allegation of sexual assault by the petitioner.
- J. Consequently, FIR No. 80/2026, dated 25.03.2026, under Sections 64(1)/126/351(2)/115(2) of the BNS, at Police Station Shalimar Bagh, was registered.
- K. During investigation, a raid was conducted at the petitioner’s house, but he was not found at the said location. The car involved



in the incident was seized.

L. On 26.03.2026, the prosecutrix was produced before the Magistrate's Court, wherein her statement under Section 183 of BNSS was recorded. She reiterated her previous statements, including the allegation that the petitioner committed a "wrong act" upon her forcefully on 22.03.2026.

M. During further investigation, CCTV footage of a nearby area was seized, which showed the subject car stopping at a petrol pump, the petitioner fighting with the prosecutrix and breaking her phone.

N. Several raids have been conducted at the petitioner and his relative's house, but he has not been found.

5. The petitioner's application for anticipatory bail was rejected by the Sessions Court, noting the gravity of the offence, the MLC of the prosecutrix, the CCTV footage collected during investigation, that the petitioner had not yet joined the investigation and that recovery of his mobile phone, containing material evidence, remained pending. The Court also held that the requirement of custodial interrogation could not be ruled out.

6. Mr. Tiwari, in support of the application, submits as follows:

A. The prosecutrix and the petitioner were in a consensual relationship. Mr. Tiwari submits that the FIR itself indicates that the parties had known each other for three years, and were in a relationship for about one year. The petitioner had even proposed marriage, which was opposed by the family of the prosecutrix, after which the relationship deteriorated. Mr. Tiwari draws my attention to certain photographs and chats to demonstrate the consensual



nature of the relationship between the parties. Mr. Tiwari states that the prosecutrix was, in fact, having an affair, leading to strained relationship with the petitioner. It is further argued that the present FIR has been lodged owing to disputes arising out of monetary transactions between the parties. When the petitioner demanded return of money allegedly given by him to the prosecutrix and her family, the complaint was made to falsely implicate him. He further relies on the call records exchanged between them on the date of the incident, i.e., 22.03.2026, which show multiple calls made by the prosecutrix to the petitioner as late as 5:04 PM, whereas the alleged incident is stated to have occurred around 6:30 PM. According to him, this circumstance casts serious doubt on the veracity of the allegations made in the FIR.

- B. There is a serious discrepancy in the complaints made by the prosecutrix. Mr. Tiwari submits that the initial PCR call on 22.03.2026 *vide* DD No. 64A received at P.S. Shalimar Bagh concerned allegations of physical assault and breaking the mobile phone, but no allegation of rape or sexual assault was made at that stage. He further states that after visiting the police station, she declined medical examination. It was only later, on 24.03.2026, that a further statement was made, incorporating allegations of rape and forcible sexual assault. According to him, this constitutes a significant improvement over the initial version and raises doubts regarding the prosecution case.
- C. With respect to the incident dated 22.03.2026, it is submitted that even the CCTV footage relied upon by the prosecution only shows



a quarrel between the parties, and the petitioner breaking the prosecutrix's mobile phone. It is contended that this material, seen with the MLC dated 23.03.2026 reflecting only simple injuries, at best indicates a scuffle between the parties and does not substantiate the allegation of forcible sexual assault or rape.

D. Custodial interrogation of the petitioner is not warranted in the present case, inasmuch as the material evidence, including the vehicle, CCTV footage, and medical records, is already in possession of the investigating agency.

7. Ms. Arya and learned counsel for the prosecutrix, on the other hand, oppose the application. They submit that the allegations of rape are undeniably grave. They submit that the prosecutrix's allegations are consistent in MLC dated 23.03.2026, and in her statement under Section 183 of BNSS. The investigation is still at a nascent stage. Ms. Arya also submits that custodial interrogation of the petitioner is necessary.

8. While considering a plea for anticipatory bail, the Court must balance the public interest in a fair and effective investigation, with the prejudice to the accused by possible deprivation of his/her liberty. The Supreme Court, in *Srikant Upadhyay and Ors. v. State of Bihar and Anr.*², has drawn a distinction between cases of regular bail and anticipatory bail, in the following terms:

“30. We have already held that *the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the court depending on the facts and circumstances of*

² (2024) 12 SCC 382.



*each case. While called upon to exercise the said power, **the court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.** We shall not be understood to have held that the court shall not pass an interim protection pending consideration of such application as the section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases.....*³

9. Having heard learned counsel for the parties and having regard to the aforesaid principles, I am of the view that this is not a fit case for the grant of the extraordinary remedy of anticipatory bail to the petitioner. The allegations against the petitioner are of rape, which is undoubtedly serious in nature, and is punishable by life imprisonment. Although the existence of a prior relationship is admitted, the allegation in the present case relates to a specific incident of a violent and forcible sexual offence. The investigation at the hands of the police is still at a nascent stage.

10. Although the initial PCR call dated 22.03.2026 did not contain specific allegations of sexual assault or rape, the prosecutrix, in her statement recorded during the MLC on the very next day, i.e., 23.03.2026, specifically made such allegations, which have thereafter been reiterated in her further complaint to the police and MLC dated 25.03.2026, as well as her statement dated 26.03.2026 recorded before a Magistrate, under Section 183 BNSS. In the facts and circumstances of the present case, particularly where the allegations are against a person with whom she admittedly shared a prior relationship, some hesitation or reluctance in immediately disclosing the full extent of the incident cannot, at this stage, be said to be unnatural or entirely implausible.

³ Emphasis supplied.



11. While the petitioner relies upon photographs, chats, and call records exchanged between the parties, these also do not *per se* negate the case of a particular forcible incident of sexual assault. The prosecutrix has made specific allegations and there is some forensic evidence in the form of CCTV footage and physical injuries, *albeit* not of the incident of alleged rape. In a case of this nature, the sole evidence of the prosecutrix may even be sufficient to convict the accused. This Court cannot undertake a mini trial in a bail adjudication, much less so at this stage, when the allegations are still being investigated.

12. Further, in view of the facts and circumstances of the alleged offence, custodial interrogation of the petitioner cannot be ruled out. The Supreme Court has clearly held that custodial interrogation is more effective and elicits the truth more efficiently than interrogation while the accused is clothed with the protection of the Court. Reference in this connection may be made to the judgment of the Supreme Court in *State v. Anil Sharma*⁴, which observed as follows:

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that

⁴ (1997) 7 SCC 187.



those entrusted with the task of disinterring offences would not conduct themselves as offenders.”⁵

The same view has been expressed in *P. Krishna Mohan Reddy v. State of A.P.*⁶

13. Further, the discretion conferred upon the Court while adjudicating an application for anticipatory bail is to be exercised with due circumspection. Even if custodial interrogation may not be required, other considerations, such as the *prima facie* material available, have to be examined. In this context, reference may be made to the judgment of the Supreme Court in *Sumitha Pradeep v. Arun Kumar C.K.*⁷, wherein it was observed as under:

“12. We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like Pocso and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment.”

⁵ Emphasis supplied.

⁶ 2025 SCC OnLine SC 1157, paragraph 19.

⁷ 2022 SCC OnLine SC 1529.



Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”⁸

14. For the reasons aforesaid, I am of the view that the material placed on record does not justify the grant of the extraordinary remedy of anticipatory bail in favour of the petitioner.

15. The application is accordingly dismissed.

16. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall not influence the trial proceedings, nor shall they be construed as an expression on merits of the case.

PRATEEK JALAN, J

APRIL 27, 2026/‘pv’/AD/

⁸ Emphasis supplied.