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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 07.05.2026*+ **BAIL APPLN. 1671/2026 & CRL.M.A. 13447/2026**

SHIRLEY JOHN

.....Petitioner

Through: Mr. Sandeep Sharma, Sr. Adv.
with Mr. Rishi Manchanda,
Mr. Siddharth Mullick and Ms.
Kanchan Semwal, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Digam Singh Dagar, APP
for the State

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J. (Oral)**

1. By way of the present application, the applicant seeks grant of anticipatory bail in case arising out of FIR bearing no. 24/2025, registered at Police Station Shastri Park, Delhi for the commission of offence punishable under Sections 137(2)/143(4)/143(7)/61/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter '*BNS*') and Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereafter '*JJ Act*').

2. Briefly stated, the facts of the present case, as per prosecution, are that on 05.06.2025, information was received from one Home



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Guard, Sachin, regarding the kidnapping of a 2½-month-old male child of the complainant Poonam, a beggar residing near Seelampur Metro Station. The complainant stated that she used to beg at Seelampur Metro Station along with one lady Devaki, who also used to beg at the same metro station. She stated that on 04.06.2025, she had temporarily handed over her infant son to co-accused Devaki while she had gone to purchase a feeding bottle, during which period Devaki had allegedly absconded with the child. Despite local enquiry, examination of CCTV footage and sustained efforts made by the local police, no clue regarding the accused or the child could initially be found. Subsequently, the investigation had been transferred to ATS/Metro, whereafter co-accused Devaki was traced to District Mahoba, Uttar Pradesh through a lead obtained from her Facebook account and was apprehended on 22.11.2025.

3. During investigation, on 23.11.2025, the supplementary statement of the complainant was recorded, wherein she disclosed that one Manju (co-accused) had earlier approached her with offers of money in exchange for the child. It is alleged that co-accused Devaki disclosed that she had, at the instance of co-accused Manju, kidnapped the infant for the purpose of selling him to prospective buyers seeking a male child. She further revealed that a prospective client of Manju, namely Bharti, who was desirous of having a baby boy, had refused to take the child in question after becoming aware that Devaki was not his biological mother. It is alleged that Devaki had thereafter continued her efforts to sell the child and had visited



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several hospitals and clinics for the said purpose. Thereafter, she had allegedly contacted the present applicant Shirley John, a nursing officer at a maternity and child care centre at Mandawali, seeking assistance in arranging adoption of the child.

4. As per the prosecution, the present applicant Shirley John had conveyed the said information to her household maid, namely Sheela (co-accused), who had in turn conveyed the same to her brother-in-law Dheer Singh and his wife Baneeta (co-accused persons), who were desirous of having a male child since they had four daughters. It is alleged that co-accused Sheela had thereby acted as a facilitator in the illegal transfer of the kidnapped child. On 24.11.2025, the child was recovered from the possession of co-accused Dheer Singh and Baneeta at Arya Nagar, Delhi. The prosecution further alleges that the recovery and transfer of the child had been facilitated through the involvement of the present applicant. During investigation, the mobile phones of the accused persons were seized, and photographs allegedly depicting the handing over of the child by accused Devaki to Dheer Singh and Baneeta in the presence of co-accused Sheela were recovered. Except the present applicant, all other accused persons were arrested in the present case. After completion of investigation, chargesheet was filed on 13.02.2026 against accused Devaki, Manju, Dheer Singh, Baneeta, the present applicant Shirley John and co-accused Sheela.

5. The learned senior counsel appearing for the present applicant Shirley John argues that the applicant is a lady and a public servant,



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who was not arrested by the police during investigation since no incriminating evidence was found against her. It is contended that the applicant has fully co-operated with the investigation and has remained available without fail at every stage of the criminal process. It is further submitted that the applicant is not in a position to influence the witnesses or tamper with the evidence. It is also argued that, even as per the case of the prosecution, the child was not recovered from the possession of the present applicant and also that she had no role in the alleged kidnapping of the child. The learned senior counsel further submits that no money has been recovered from the present applicant, nor is there any allegation that the applicant had received any money in connection with the alleged offence. It is, therefore, prayed that the present applicant be granted bail.

6. The learned APP appearing for the State, while not disputing the fact that the present applicant was not arrested during investigation, opposes the grant of bail to the present applicant. It is argued that, as per the chargesheet, the present applicant had informed her maid/cook, co-accused Sheela, about the availability of the child, whereafter Sheela had conveyed the same to her brother-in-law Dheer Singh and her husband Dheer Singh, who were desirous of having a male child as they already had four minor daughters. It is contended that the present applicant was actively involved in the trafficking of a 2½-month-old infant child, and being a public servant and working as a nursing officer at a maternity and child care centre,



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she was well aware of the legal process governing adoption of children. Despite such knowledge, the applicant was allegedly aware that the child was not being legally adopted by accused Dheer Singh and Baneeta, but was instead being illegally transferred/sold in lieu of an amount of ₹1.5 lakhs. Therefore, it is prayed that the present application be dismissed.

7. This Court has **heard** arguments addressed by the learned counsel appearing for the applicant and the learned APP for the State, and has perused the material available on record

8. At the outset, though it is not disputed that the present applicant Shirley John was not arrested during investigation, the prayer for bail after filing of the chargesheet is nonetheless required to be considered on its own merits in light of the material collected during investigation as per the decision of *Satender Kumar Antil v. CBI: (2022) 10 SCC 51*, since the alleged offences in the present case are punishable with imprisonment for more than seven years. This Court also notes that the learned Sessions Court, while rejecting the prayer for bail, has already expressed its opinion regarding the aspect of non-arrest of the present applicant during investigation.

9. The allegations in the present case pertain to the kidnapping and subsequent trafficking of a 2½-month-old infant child. As per the case of the prosecution, co-accused Devaki had kidnapped the child and had thereafter attempted to sell him to persons desirous of having a male child.

10. As far as the material against the present applicant is



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concerned, the prosecution alleges that co-accused Devaki had approached the present applicant, who was working as a nursing officer at a maternity and child care centre, seeking assistance in arranging adoption of the child. As alleged, it was the present applicant who had, through co-accused Sheela, put co-accused Devaki in touch with Dheer Singh and Baneeta, who were desirous of having a male child. The prosecution has also relied upon the call detail records of the present applicant and co-accused Sheela in support of the said assertion.

11. This Court has also been informed that certain photographs recovered during investigation, which have been sent to the FSL for examination, depict co-accused Dheer Singh, Baneeta and Sheela. As per the prosecution, the said photographs were taken inside the office/room of the present applicant Shirley John at the medical care centre. This Court further notes that the statement of the in-charge of the said centre has also been recorded under Section 180 of BNSS during investigation, who has confirmed that the photographs pertain to the room/office of the present applicant.

12. *Prima facie*, at this stage, the chain of circumstances, as projected by the prosecution, appears to be complete, inasmuch as the kidnapped child was ultimately recovered from the possession of co-accused Dheer Singh and Baneeta, who are relatives of co-accused Sheela; co-accused Sheela was admittedly working as a maid with the present applicant; and it is the case of the prosecution that co-accused Devaki, who had kidnapped the child, had approached the



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present applicant Shirley seeking assistance in arranging adoption/sale of the child. The prosecution further alleges that the child was illegally transferred to Dheer Singh and Baneeta in lieu of ₹1.5 lakhs.

13. This Court also cannot lose sight of the observations of the Hon'ble Supreme Court in *Pinky v. State: 2025 INSC 482*, wherein the Hon'ble Supreme Court had observed that offences relating to trafficking and illegal sale of children are grave offences having serious societal impact and are required to be viewed with due seriousness while considering prayer for bail.

14. Considering the nature and gravity of allegations, the role attributed to the present applicant, the material collected during investigation, and the fact that the FSL report is still awaited, this Court is not inclined to grant bail to the present applicant at this stage.

15. Accordingly, the present application, alongwith pending application, stands dismissed.

16. The applicant is however granted seven days' time to surrender before the learned Trial Court.

17. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case

18. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 07, 2026/ns/TD