



2026:DHC:860



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

%

*Reserved on: 16th December, 2025
Pronounced on: 03rd February, 2026*

+

CRL.M.C. 4688/2025, CRL.M.A. 20348/2025

SAHIL WAJID

S/o Late Sh. Hammad Abdul Wajid

Aged about 37 years

Residing at H.No.G-110,

Sarita Vihar, Delhi

.....Petitioner

Through: Mr. Abhinav Sekhri, Advocate.

versus

1. **STATE**

Through SHO

P.S. Sarita Vihar

....Respondent No.1

2. **SUJATA RAO**

W/o Pardeep @ Pradeep Rai

Aged about 40 years

Residing at B-2/856, JJ Colony,

Madanpur Khadar,

Sartia Vihar, Delhi

...Respondent No.2

Through: Ms. Richa Dhawan, APP for the
State.

Mr. Amjad Khan and Mr. Sumit
Kumar, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Petition under Section 528 read with Section 480 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as*
'B.N.S.S. ')/Section 482 read with Section 439 of the Code of Criminal



Procedure, 1973 (*hereinafter referred to as 'Cr.P.C.'*) has been filed on behalf of the Petitioner for Quashing of Order dated 06.05.2025 whereby the Learned ASJ-07, Saket Courts (South-East) granted Bail to the Respondents in FIR No. 127/2024 dated 11.04.2024 under Sections 328/381 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) registered at Police Station Sarita Vihar and all the proceedings emanating therefrom.

2. The **brief facts** are that on 11.04.2024, a Complaint was made by the Petitioner at Police Station Sarita Vihar on the allegation that Respondent No. 2, Ms. Sujata Rao who was working as the house-help in the family of the Petitioner, committed theft of jewellery worth more than Rs.10,00,000/- from their house in late 2023. She was under suspicion initially but she abruptly left for her native place. She returned in September, 2023 on coming to know that the Petitioner's family were searching for house-help to take care of the Petitioner's aged father, suffering from Parkinson's disease.

3. During the second stint of service in October-November, 2023, Petitioner's aged parents repeatedly fell unwell under mysterious circumstances whilst at home. They had to be rushed to hospital at different points of time in October, 2023.

4. In the first week of November, 2023, after being given something to drink by the Respondent No. 2, the Petitioner also fell in a state of stupefaction, in the presence of a chance witness, who has been examined during investigations. The Petitioner then realised that the mystery illness of his parents, was on account of Respondent No. 2 administering unknown stupefying substances to the Petitioner and his aged parents, presumably acting in concert with her husband, who worked at a Chemist Shop, with a motive to cause their deaths and eliminate any potential discovery of her



role in commission of theft. The Petitioner's aged and ailing father never recovered and died some months later on 26.02.2024.

5. After initial investigations, the Respondent No. 2 was arrested on 10.05.2024 and was taken in Police custody for two days and thereafter, was remanded to judicial custody. Pursuant to her disclosures and to the information provided by her, the investigation led to partial recoveries of stolen jewellery, from the establishments located in the vicinity, which offered loans for jewellery.

6. The Respondent No. 2 filed her *first Bail Application under Section 439 Cr.P.C.* before the Learned Trial Court, which was dismissed on 30.05.2024. Thereafter, the Respondent No. 2 filed Bail Application No. 2099/2024 before this Court wherein the Petitioner also appeared and the Bail Application was dismissed on 03.07.2024.

7. The Charge-Sheet under Sections 328/381/411/120-B IPC was filed in the Court, on 08.07.2024. The Respondent No. 2's husband, Pardeep @ Pradeep Rao was also named as an Accused and further investigations were kept open *qua* him since he was evading arrest.

8. The Second Bail Application under Section 480 of B.N.S.S. filed by the Respondent No. 2, was dismissed on 25.09.2024 by the Learned Trial Court.

9. The Respondent then filed *Second Bail Application No. 4756/2024* before this Court but did not disclose about the previous dismissal of the Bail *vide* Order dated 03.07.2024, resulting in the Petition being listed before another Bench of this Court. The Petitioner appeared on 27.02.2025 and apprised the Court about the dismissal of the earlier Bail Application. Consequently, this Application got listed before the same Bench.



10. Detailed arguments were addressed by both the parties, after which Learned Counsel for the Respondent No. 2, withdrew the Bail Application with liberty. Consequently, the Bail Application was dismissed as withdrawn *vide* Order dated 16.04.2025.

11. The proceedings under Section 82/84 Cr.P.C. were initiated against the husband of the Respondent No. 2, Pardeep @ Pradeep Rao and was declared a *Proclaimed Person* on 07.05.2025.

12. During the trial proceedings on 16.05.2025, the Respondent No. 2 was present in the Court along with her family members. Till then, the Petitioner had no intimation of her having filed a fresh Bail Application or it being decided by the concerned Court.

13. On inspection of the Judicial Record on 17.05.2025, it was found that a *fresh Bail Application No. 1091/2025 had been filed before the Learned Trial Court* and the Bail was granted to the Respondent No. 2, *vide* Order dated 06.05.2025 on the sole basis of the *grounds of arrest* apparently had not been supplied to her.

14. *The impugned Bail Order dated 06.05.2025 is **challenged on the ground** that the learned Trial Court in considering this ground, treated the decisions of this Court and the Hon'ble Supreme Court of India, inflexibly and in a formulistic manner, without appreciating that the Apex Court itself had noted that there is no inflexible rule in favour of Bail on alleged non-supply of grounds of arrest, de hors the facts of a case.*

15. There were parallel proceedings being conducted before the Court of JMFC under Section 156 (3) CrPC/Section 175 B.N.S.S., in the same Case at the same time. It is only on inspection of judicial record that the Petitioner became aware about the grant of Bail. The previous Bail Applications and



the Orders, had not been disclosed in the Bail Application. Patently, false averments had been made by the Respondent No. 2. The Bail Application was rife with suppression, mistreatments and material concealments of facts.

16. The correct and true facts of the previous Bail Applications and their dismissal, has not been stated in the Application. It was not disclosed that the second Bail Application filed before this Court, had been withdrawn by the Learned Counsel for the Respondent No. 2. The Bail Order has been obtained on the strength of fraud and concealment, which amounts to abuse of process and the Bail Order is liable to be recalled.

17. The copy of the Supplementary Report under Section 173(8) Cr.PC, was given to the Petitioner on 03.06.2025 by the State wherein the husband of the Respondent No. 2, was arrayed as an Accused. One Ms. Shilpi Aggarwal was cited as a Witness, who stated that the Respondent No. 2 had stolen valuables while working as a *maid* in the premises of the Complainant, as well as, in August, 2022 but no Case was registered against her under pressure of being implicated in a criminal case.

18. It is further asserted that the Bail Order has been passed without consideration of facts of the case and on incorrect legal premise. No opportunity was afforded to the *Petitioner to be heard*, despite being the Complainant/First Informant in the case.

19. Reliance is placed on Baldev Singh vs. Durga Prasad & Ors., 1988 SCC Online Del 336. Insofar as, the non-supply of grounds of arrest are concerned, it is submitted that this would not lead to automatic grant of Bail for which, reliance has been placed on Mihir Shah vs. State of Maharashtra, SLP (Crl.) No. 17132/2024. It has not been considered that in four different



rounds of Bail Applications, though such plea had been raised by the Respondent No. 2.

20. There is a strong *prima facie* case against the Respondent No. 2, who had committed similar crimes against earlier as well. There is a threat of her fleeing from justice, if granted Bail. She has no permanent residence in Delhi and her husband is absconder.

21. The Petitioner has not been given a right of being heard despite being a victim. There is clear and evident risk to the safety of the Petitioner, as well as, to his aged mother, who are the key witnesses in the present case.

22. A prayer is, therefore, made that the Order dated 06.05.2025 *vide* which, the Bail has been granted to the Respondent No. 2, be set-aside and she be remanded to Judicial Custody.

23. The **Petitioner in the Written Submissions**, has contended that the grounds of non-furnishing of Written Grounds of Arrest, had never been taken by the Respondent No. 2 in the earlier four rounds of Bail hearings. The perusal of Bail Applications, Status Report and the Impugned Orders all such as that the Remand Order dated 10.05.2024, appears to have been not brought to the notice of the Learned Trial Court.

24. Moreover, the Order dated 10.05.2024 explicitly records that the grounds of arrest, were conveyed to the Accused and *ex facie* reflects application of mind by the Learned Magistrate, to this aspect and it amounts to compliance with law. Furthermore, there was no legal obligation existing on 10.05.2024 to mandatorily supply the written grounds of arrest to the Accused persons. The Learned Trial Court, therefore, erred in granting the Bail on this ground.



25. Reliance is placed on *State of Karnataka vs. Sri Darshan*, 2025 SCC OnLine SC 1702 and on *Mohd. Rais @ Rahish @ Mulla vs. State (NCT of Delhi)* in CrI. MC No. 5309/2025, decided on 03.11.2025.

26. It is further contended that the Impugned Order is also liable to be set-aside as no appropriate and stringent conditions have been imposed while granting Bail to the Respondent No. 2. It has not been noted that she has no permanent address in Delhi and is a flight risk. Her release has cast a detrimental influence on the proceedings in the Charge-Sheet. As reflected in the Supplementary Charge-Sheet dated 12.09.2025, she was aiding in harbouring and sheltering her husband, who is a Co-Accused and declared a *Proclaimed Person* in May, 2025. There is a substantial risk to witness-tampering and danger to the Complainant and his aged mother, who was yet to depose in the Court.

27. It is, therefore, submitted that the Impugned Bail Order dated 06.05.2025, be set-aside.

28. **Written Submissions have been filed on behalf of the Respondent** No. 2, who has submitted that the Learned Metropolitan Magistrate in the Order dated 10.05.2024, had noted that the Order of Police Custody Remand does not show any acknowledgement of the grounds of arrest by the Respondent no. 2 and also that they were never served to her in writing.

29. The aforesaid Order did not show in what manner, the ground of arrest, were communicated to her. Even the Arrest Memo also does not indicate that there were any specific written grounds of arrest ever communicated to the Respondent No. 2.

30. Therefore, in the light of the Judgments of this Court and the Appellate Court, since no specific written grounds of arrest could be



discerned, either from the Orders of Remand or the Charge-Sheet, the Bail had been rightly granted to the Respondent No. 2. All the allegations of suppression, concealment or misrepresentation by the Respondent No. 2, was emphatically denied. It is submitted that the omissions in the Bail Application filed before the Learned Trial Court as highlighted in the present Petition, were purely inadvertent and not wilful.

31. The fresh ground had been taken for the first time by the Respondent No. 2, in regard to the non-communication of grounds of arrest in writing to her, which had never been taken in the earlier Bail Applications.

32. Furthermore, the Order dated 03.07.2024 of this Court whereby the Bail Application of the Respondent No. 2 was dismissed, was not in the knowledge of her counsel and was therefore, not mentioned in the Bail Application. Learned Counsel for the Respondent No. 2 always filed the status of various Bail Applications before every Court in compliance of the directions passed by the Appellate Court in the case of Kusha Duruka vs. State of Odisha in SLP (Crl.) No. 12301/2023.

33. It is only recently that the Respondent No. 2 became aware of the Order dated 03.07.2024, the omission of not mentioning the same, was not wilful but was purely inadvertent. Furthermore, the Constitutional Grounds on which the Bail was sought by the Respondent No. 2, had no connection with the merits of the Case. All previous Bail Orders had been decided only on merits and did not touch the legal Constitutional Grounds.

34. Furthermore, even the **Status Report** submitted by the State on 26.04.2025 before the Learned Trial Court, did not disclose the earlier Order dated 03.07.2024 of dismissal of Bail Application by this Court. The Respondent No. 2 cannot be singled out for alleged suppression of facts,



which were genuinely on account of inadvertence. The Respondent No. 2 has never consciously ever attempted to mislead any Court.

35. She has consistently co-operated with the investigations, joined Judicial proceedings, without any delay, remained available on each Court's hearing being enlarged on Bail and never fled from justice. She has never tampered with Evidence, which fulfils the primary objectives/conditions for Bail. The omission of non-disclosure of earlier Bail Orders, be thus condoned in the interest of justice. In fact, the main Bail Order has been passed, after detailed consideration of non-communication of grounds of arrest.

36. Reliance is placed on Pankaj Bansal vs. Union of India, decided by the Apex Court on 03.10.2023 and Thokchom Shyamjai Singh & Ors. vs. Union of India.

37. The Bail Application has been granted on the ground of violation of substantive rights of the Respondent No. 2, by the Investigating Officer, in *not supplying the Grounds of Arrest, in writing*. The Petitioner's claim that the Bail was granted on technicality, is factually wrong. The Hon'ble Supreme Court of India and the High Courts have consistently held that an arrest violating statutory safeguards cannot stand and the Bail must follow where detention itself is unlawful.

38. It is further contended that the presence of the Petitioner, was not mandatory at the stage of consideration of routine Bail Application unless directed by the Court or mandated by law. The Petitioner has never evaded the process of law as never extended threats to the witnesses and averments in this regard, are vague, speculative and not supported by the legislative mandate.



39. The husband of the Respondent No. 2 being declared a proclaimed person, has no bearing on her conduct merely because Bail has been granted to the Respondent No. 2, does not tantamount to acquittal. The trial is still to be conducted to ascertain the guilt of the Respondent No. 2. Furthermore, she is ready to do community service, if any feasible task is assigned to her by the Court, on account of this omission.

40. It is further asserted that the Petitioner is attempting to reargue the Bail Application despite judicious exercise of discretion by the Learned Trial Court. **A prayer is, therefore,** made that the present Petition be rejected.

Submissions heard and the record perused.

41. On Complaint of Petitioner / Sahil, FIR No.0127/2024 under Sections 328/381 IPC got registered on 11.04.2024 against Respondent No.2 / Sujata Rao, in regard to Theft of Jewellery etc. from the house and for administration of noxious / stupefying substances to the Petitioner and also to his aged parents. Respondent No. 2 was arrested on 10.05.2024.

42. It is not denied that there were two Bail Applications filed before the Learned Trial Court and two before this Court, wherein Respondent No.2 was unable to get the Bail. Thereafter, she moved the Bail Application before the Learned Trial Court on 24.04.2025, wherein it was indicated that the same was second Regular Bail Application filed before the Trial Court; first Regular Bail Application was dismissed by the Court on 25.09.2024. It was further mentioned that no Bail Application was decided on merits by any Appellate Court.



43. The **first ground for challenge** of the impugned Bail Order is that there was suppression of material facts in so much as the previous Bail Applications, were not disclosed by the respondent No.2, in her Bail Application.

44. First things which emerges, is that in the Bail Application itself, it was indicated that it was second Regular Bail Application. Subsequently, it was also disclosed that earlier Bail Application had been dismissed by the Learned Trial Court.

45. Though, it had been erroneously stated that the Bail Application has not been dismissed by any Appellate Court on merit, when in fact, one such Bail Application was dismissed by this Court on 03.07.2024 and second Bail Application before this Court was withdrawn on 16.04.2025, but it cannot be overlooked that this Bail Application had been filed while Respondent No. 2 was in jail. The miscommunication between Lawyer and Respondent No. 2 cannot be discounted.

46. The explanation given by Respondent No.2 that it was purely because of inadvertence that the Bail Application filed before this Court could not be mentioned, cannot be disbelieved. It is also significant to note that the Prosecution in its Status Report had also failed to disclose about the earlier Bail Applications. Therefore, it cannot be said that there was any deliberate suppression of material facts.

47. Furthermore, as has been contended on behalf of Respondent No. 2, this ground of the Written Grounds of Arrest not being communicated to her and being violative of her Constitutional Rights / mandates, had not been agitated in the earlier Bail Applications.



48. The **second contention** of the Petitioner is that grounds of arrest had been communicated to Respondent No.2, as has been noted in Order of Learned MM dated 10.05.2024, which reflects that when Respondent No. 2 was produced before the Court on arrest, it was noted that the factum of her arrest had been informed to her husband and she was also informed about the grounds of arrest.

49. It is significant to observe that in the Judgment of Pankaj Bansal vs. Union of India and Others, (2024) 7 SCC 576, Apex Court observed that Article 22(1) of the Constitution of India provides that no person, who is arrested, shall be detained in custody without being informed about the grounds for such arrest. Reference was made to Section 45 of Prevention of Money Laundering Act, 2002 (“PMLA”) and it was observed that the *communication of grounds of arrest* is meant to serve the higher purpose and must be given due importance to satisfy the twin conditions for grant of Bail as provided under Section 19 of PMLA.

50. In Pankaj Bansal (*supra*) it was held in the context of Section 19 of PMLA that there must be communication of the grounds of arrest, but did not specify that the grounds must be *communicated in writing*.

51. However, in subsequent Judgment of Prabir Purkayastha vs. State (NCT of Delhi), (2024) 8 SCC 254, while dealing with the offences under Unlawful Activities (Prevention) Act, 1967 (“UAPA”), Apex Court held that an individual arrested for alleged commission of offences under UAPA or any other offence for that matter, as both a Fundamental and Statutory Right, *to be informed in writing about the grounds of arrest*. The Copy of written grounds must be furnished to the arrested person at the earliest, without any exception. It was observed that Article 22 of the Constitution of



India and Section 50 of Cr.P.C. (now Section 47 of B.N.S.S.) is not a mere procedural formality, but a vital safeguard with the ultimate objective to enable the arrested person to effectively consult legal aid and be prepared to raise objections in remand hearing and apply for his/her Bail. It was also held that the purpose of informing the grounds of arrest to the arrested person is salutary and sacrosanct inasmuch as this information would be the only effective means for the arrested person to consult his Advocate; oppose police custody remand and to seek Bail.

52. Therefore, while Pankaj Bansal (*supra*) provided for communication of grounds of arrest, it was modified to providing *written communication in regard to grounds of arrest* in Prabir Purkayastha (*supra*). This proposition of law has been further reiterated and termed in the case of Vihaan Kumar vs. The State of Haryana, 2025 SCC OnLine SC 269 decided on 07.02.2025 and has been followed by the Co-ordinate Bench of this Court in the case of Gagan vs. State (NCT of Delhi), in BAIL APPLN.73/2025 decided on 28.02.2025. The same has also been endorsed in the case of Mihir Rajesh Shah vs. The State of Maharashtra & Anr., Criminal Appeal No. 2195/2025 decided on 06.11.2025. Bail Application of Respondent No. 2 was allowed on 06.05.2025, placing reliance on Vihaan Kumar (*supra*).

53. There has been a change in respect of requirement of providing written communication of grounds of arrest, as reflected in the case of State of Karnataka vs. Sri Darshan Etc., 2025 SCC OnLine SC 1702, wherein Hon'ble Apex Court, after referring to Pankaj Bansal (*supra*) and Prabir Purkayastha (*supra*), noted in the context of the facts of that case, that the Arrest Memo and Remand Records reflected that the Respondents were aware of the reasons for their arrest. They were legally represented from the



outset and applied for Bail shortly after arrest, evidencing an immediate and informed understanding of the accusations. No material had been placed on record to establish that any prejudice was caused due to the alleged procedural lapse. In the absence of demonstrable prejudice, such as irregularity is, at best, a curable defect and cannot, by itself, warrant release on Bail.

54. Subsequently, Co-ordinate Bench of this Court in the case of *Mohd. Rais @ Rahish @ Mulla vs. The State (NCT of Delhi)*, CRL.M.C.5309/2025 decided on 03.11.2025, had followed *Sri Darshan (supra)* to observe that in the given circumstances, so long as there is communication of grounds of arrest and on prejudice is shown, mere non-supply of written grounds of arrest coupled with the nature of allegations, cannot be sole ground for grant of Bail.

55. It is pertinent to observe that *Sri Darshan (supra)* was decided on 14.08.2025 and *Mohd. Rais (supra)* was decided on 03.11.2025, which is after the Bail was granted to Respondent No.2 vide Order dated 06.05.2025.

56. It was *Prabir Purkayastha (supra)* and *Vihaan Kumar (supra)*, which were the mandate of law, at the time when the Bail was granted. Though, subsequently, it has been observed that such defect may be an irregularity, but in itself is not sufficient to grant Bail, but this subsequent Judgments did not exist at the time of grant of Bail. Therefore, the Order of Learned Trial Court cannot be faulted.

57. The **third ground** taken by the Petitioner is that there was no Notice served upon her, when the Bail Application was filed. However, it is a State case and not against a woman and therefore, the Complainant was



2026:DHC:860



sufficiently represented by the State. This, in itself, cannot be a ground to set aside the Bail Order.

58. It is pertinent to observe that Respondent No. 2 had been arrested on 10.05.2024 and after conclusion of investigations against her, Charge-sheet was filed on 08.07.2024. The Bail had been granted to her even though on technical grounds, almost after about one year of her arrest. There is no averment that she has tried to influence the witnesses, flee from process of law or tamper with the evidences. Bail is challenged purely on technical grounds, which are not sustainable.

59. Needless to state that present this Petition pertains to the grounds agitated herein. Petitioner is also at liberty to seek remedy in accordance with law, in case of any subsequent conduct of Respondent No.2.

60. There are no grounds for setting aside the impugned Bail Order dated 06.05.2025.

61. Accordingly, Petition is dismissed. The pending Applications are disposed of accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

FEBRUARY 03, 2026/RS/R