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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3108/2025**
BHUPENDER SINGHPetitioner

Through: Mr. J.S. Boora and Mr. Shekhar,
Advocates

versus

STATE OF NCT OF DELHIRespondent
Through: Mr. Sunil Kumar Gautam, APP for
State with SI Sunichi, PS Fatehpur
Beri

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **01.04.2026**

CRL.M.A. 24146/2025 (for exemption)

Exemption allowed, subject to all just exceptions.

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1. Applicant seeks bail in case FIR No. 386/2024 dated 26.07.2024, registered at Police Station Fatehpur Beri for commission of offences 64(1)/62 of *Bharatiya Nyaya Sanhita, 2023*.
2. Though, the case had been registered for commission of offence under Section 64 *Bharatiya Nyaya Sanhita* (corresponding Section 376 IPC for committing rape), fact remains that when charges were ascertained by the learned Trial Court, applicant was not charged with said offence. As per order on charge, he is facing trial for offences under Section 74 (outraging modesty), Section 75 (touching her inappropriately and demanding sexual favours, Section 79 (insulting the modesty of the victim and Section 309(4)

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(robbery as he forced her to transfer Rs. 1,000/- to him in the fear of instant hurt) of *Bharatiya Nyaya Sanhita, 2023*.

3. Aforesaid application is opposed by learned Addl. P.P. for State. He submits that offence is serious in nature as a hapless traveller in a cab was inappropriately touched and her modesty was outraged and insulted and she was even forced to transfer amount by putting her under the fear of instant hurt. He contends that if accused is released on bail, he may abscond or evade legal proceedings. It is also contended that the crime in question seems to have been committed in a pre-planned manner and if bail is granted, it would undermine the public confidence in the justice delivery system.

4. Undoubtedly, the applicant, being a cab driver, should not have indulged into any such act. Learned counsel for applicant, however, submits that there was never any such conduct on the part of the applicant and he has been falsely implicated, merely, for the reason that he had demanded 'Toll Amount' from the prosecutrix and instead of making any payment with respect to the aforesaid legitimate charges related to her travelling in the cab, she levelled false allegations against him.

5. However, these are only verbal contentions and things would become clearer only where there is comprehensive trial.

6. Incident is of 25.07.2024 and applicant was arrested 27.07.2024.

7. Trial is underway and concerned complainant has already entered into witness box.

8. Nominal Roll has been requisitioned from the Jail Authorities which does not indicate involvement of the applicant in any other case and he has already undergone 01 year, 08 months and 05 days behind the bars in the present case.



9. Keeping in mind the overall facts and circumstances of the case, incarceration period and the fact that complainant has already graced the witness box, it is ordered that applicant be released on bail on his furnishing personal bond and surety bond in a sum of Rs. 25,000/- each subject to the satisfaction of concerned learned Trial Court/Chief Judicial Magistrate/Duty Judicial Magistrate First Class and subject to the following conditions: -

- (i) *Surety would be local and address of such proposed surety would be got verified before accepting the surety bond.*
- (ii) *Applicant shall not try to contact, influence or intimidate any of the witnesses, directly or indirectly.*
- (iii) *Applicant shall appear before the learned Trial Court on each and every date of hearing.*
- (iv) *Applicant shall provide his Mobile Number to the concerned investigating officer and would ensure that such Mobile Number remains active and operational, till the disposal of the case by the learned Trial Court.*

10. Application stands disposed of in aforesaid terms.

11. A copy of this order be immediately sent to the learned Trial Court and Jail Superintendent for information and necessary compliance.

MANOJ JAIN, J

APRIL 1, 2026/dr/sy