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

+ **BAIL APPLN. 3826/2025**

SHOAIB

.....Petitioner

Through: Mr. Mohd. Shamikh with Mr. Mohd.
Javed, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP for the
State with SI Shiv Dayal Kumar, PS
Dapyal Pur.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

24.02.2026

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1. Applicant seeks regular bail in a case arising out of FIR No.566/2023 dated 08.08.2023, registered at PS Dayal Pur, for commission of offences under Sections 376/342/506/34 IPC and Section 6 of *Protection of Children from Sexual Offences Act (POCSO), 2012*.
2. The applicant was arrested on 23.09.2023 and is in judicial custody since then.
3. After framing of charges, the applicant herein and his real brother i.e. Mursalin were asked to face trial and prosecution has already examined nine witnesses, including the prosecutrix, her parents and other relatives,
4. The father of prosecutrix and father of applicant are stated to be cousins.
5. Learned counsel for the applicant submits that at one earlier point in time, the elders of both the families, i.e. families of prosecutrix and the



applicant herein had decided that they both would be married but the same did not materialize and in order to put pressure, the present case has been fastened upon the applicant and his brother. He also submits that his real brother, who is also facing identical allegation of gang-rape, has already been released on bail by the learned Coordinate Bench of this Court *vide* order dated 25.08.2025 passed in Bail Appln. 2791/2025.

6. The prosecutrix is present in Court alongwith her father.
7. Learned Addl. P.P. for the State while opposing the bail *plea* of the applicant herein submits that, the case of the applicant is not *at par* with his brother, as the applicant is the one who had, allegedly, sexually assaulted the prosecutrix.
8. Learned counsel for the applicant states that for totally inexplicable reasons, the prosecutrix earlier denied to undergo internal medical examination which was imperative in a case of present nature, where there is allegation of forcible rape. He, also, strongly relies upon FSL report, according to which, no seminal stains could be detected on the relevant exhibits. Learned counsel for the applicant contends that the alleged incident is of 01.08.2023 and there is no explanation as to why the matter was reported on 07.08.2023 and belated medical examination conducted on 08.08.2023 does not serve any purpose. Learned counsel for the applicant also submits that since material public witnesses have already been examined, there is no chance of there being any possibility of threatening or influencing them.
9. As per Nominal Roll received from the jail authorities, the applicant, who is 25 years of age, has no previous involvement of any nature whatsoever and has already undergone incarceration for around 2½ years.
10. Keeping in mind the overall facts of the case, *albeit*, without expressing



any opinion over the merits of the case, the applicant is, hereby, directed to be released on bail on his furnishing personal bond in a sum of Rs. 25,000/- with two 'local' sureties of like amount, subject to the satisfaction of learned Trial Court/CMM/Duty Magistrate with following conditions:-

- (i) The applicant would provide his Mobile Number to the concerned I.O and would ensure that such Mobile Number remains active and operational, till the disposal of the case by the learned Trial Court.
 - (ii) The applicant would not try to come in contact of complainant and her family members, directly or indirectly.
11. The application stands disposed of in aforesaid terms.
12. A copy of this order be immediately sent to the learned Trial Court and Jail Superintendent for information and necessary compliance.

MANOJ JAIN, J

FEBRUARY 24, 2026
st/sa



This is a digitally signed order.

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