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

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*Date of Decision: 13.01.2026*+ **BAIL APPLN. 4007/2025**

BABLI GUPTA ALIAS SUDHA GUPTA .....Petitioner

Through: Mr. Mukesh Bhardwaj,  
Advocate

versus

STATE OF NCT DELHI .....Respondent

Through: Mr. Naresh Kumar Chahar,  
APP for the State with Insp.  
Shubham Chaudhary Special  
Staff SED.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J. (Oral)**

1. By way of this application, the applicant seeks grant of anticipatory bail in case arising out of FIR bearing no. 366/2025, registered at Police Station Sunlight Colony, Delhi for the commission of offence punishable under Sections 137(2)/143(4)/3/5 of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').

2. Issue notice. The learned APP accepts notice on behalf of the State.

3. Briefly stated, the facts of the present case are that on 22.08.2025, the complainant Suresh, a brick labourer, while



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travelling with his wife and four children to Behror, Rajasthan, was compelled to stay at ISBT Sarai Kale Khan due to lack of funds, and during the night, his six-month-old son Prem had gone missing from Platform No. 2 while the family was asleep, leading to the registration of the present FIR under Section 137(2) of BNS at P.S. Sunlight Colony. During investigation, on the basis of CCTV footage and technical analysis, co-accused Veerbhan and Kalicharan were identified and apprehended, who disclosed that the kidnapped child was sold through one Rambaran and further trafficked through Sundar Singh to Krishna and Preeti, from whose illegal custody the child was recovered on 25.08.2025 at Rajnagar, Agra. Further investigation revealed the involvement of an organised gang engaged in illegal child trafficking, resulting in the recovery of six trafficked children, including Prem, and the arrest of several accused persons. It is alleged that the present applicant Sudha Gupta @ Babli Gupta, in conspiracy with co-accused Sundar Singh, had facilitated the trafficking of two children and received money in lieu thereof, leading to the addition of further offences i.e. Sections 143(5)/111/61(2)/238(B) of BNS and Sections 80/81 of the Juvenile Justice Act were added.

4. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in the present case. It is contended that the prosecution story is false, fabricated, and based on concocted disclosure statements, with no independent incriminating material connecting the applicant to the alleged child trafficking



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racket. It is argued that the applicant is neither named specifically in the disclosure statements, and even her correct name is Babli Gupta, not Sudha Gupta, as reflected in her Aadhaar card. The learned counsel further contends that no child has been recovered from the applicant, there is no other material such as telephonic record to link the applicant with co-accused persons, and the mobile phone seized by the I.O. does not reveal any incriminating communication. It is also urged that the applicant is a woman of about 50 years of age, and is suffering from various medical ailments. It is submitted that the applicant is ready to join the investigation, and there is no likelihood of her absconding or tampering with evidence. On these grounds, it is prayed that the applicant be granted anticipatory bail.

5. The learned APP for the State, on the other hand, opposes the bail application and argues that there is sufficient material on record to connect the present applicant with the organised child trafficking racket. It is contended that there are at least three disclosure statements implicating the applicant, which reveal her active involvement in conspiracy with the co-accused in the kidnapping, confinement, and illegal trafficking of minor children. It is also argued that the custodial interrogation of the applicant is necessary to unearth the full extent of the trafficking network, and identify other possible victims as well as apprehending other accused persons/accomplices. It is, therefore, prayed that in view of the gravity of the offence, the organised nature of the crime, and the need for effective investigation, the present application for anticipatory



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bail be rejected.

6. This Court has **heard** arguments addressed on behalf of the applicant as well as the State, and has perused the material available on record.

7. This Court notes that the investigation in the present case arose from a complaint regarding the kidnapping of a six-month-old child 'P' from ISBT Sarai Kale Khan. During the course of investigation, co-accused Veerbhan and Kalicharan were identified through CCTV footage and apprehended. They disclosed that the child 'P' was sold through Rambaran to Kamlesh Kumar and thereafter routed through co-accused Sundar Singh to Krishna and Preeti, from whose custody the child was recovered on 25.08.2025 from Agra. It is also noted that during the course of further investigation, co-accused Josna, Ritu and Rubina Aggarwal were interrogated. The prosecution specifically alleges that co-accused Rubina @ Rachita has disclosed during investigation that two minor children were trafficked through the present applicant Babli Gupta @ Sudha Gupta, in conspiracy with co-accused Sundar Singh, and that the applicant had received money in lieu thereof.

8. Therefore, the allegations against the present applicant, in brief, are that she is an active participant in an organised child trafficking racket and that, in conspiracy with co-accused persons, she had facilitated the illegal procurement and sale of minor children for monetary consideration. It is alleged that out of six children recovered in this case, two were kidnapped and thereafter routed to



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different locations *through the present applicant*, who is stated to have received money in lieu thereof.

9. As per investigation conducted so far, two children allegedly trafficked through the present applicant have already been recovered at the instance of the co-accused persons. At this stage, the fact that recoveries of minor children have been effected pursuant to disclosure statements of co-accused persons lends support to the prosecution case and cannot be brushed aside while considering the grant of anticipatory bail.

10. The offence of kidnapping and child trafficking is of grave and serious nature and is presently under consideration for passing of directions and guidelines by the Hon'ble Supreme Court in case of *Pinki v. State of Uttar Pradesh & Anr.*: C.A. No. 1927/2025 [2025 INSC 482], a judgment which has also been referred by the learned APP for the State, where in a child trafficking case, the regular bail granted to the accused persons by the concerned High Court was cancelled/set aside by the Hon'ble Supreme Court.

11. This Bench in *Rajinder v. The State of NCT of Delhi*: 2025:DHC:7971, while rejecting the regular bail application of the applicant therein, had *inter alia* observed as under in context of Section 370 of IPC (*now* Section 143 of BNS):

“21. ...The infants were being traded to unknown purchasers, with no certainty as to their fate, or whether they would be subjected to neglect, abuse, forced labour or other unlawful purposes. The very act of reducing newborn children to articles of trade



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and transferring them for consideration is nothing short of treating them as commodities, which in itself is a form of exploitation, even if it does not fall squarely under physical or sexual exploitation...”

12. It is also to be noted that the applicant herein was served with a notice under Section 35(3) of the BNSS on 30.08.2025, directing her to join the investigation on 31.08.2025. However, she did not join the investigation and is stated to have switched off her mobile phone. The financial trail involved in the alleged child trafficking through the present applicant is yet to be unearthed. The investigation is still ongoing to ascertain the flow of money, identify the beneficiaries, and trace the proceeds of crime. In offences of this nature, financial transactions are often concealed and layered, and custodial interrogation may be required to effectively uncover the same.

13. This Court is also of the opinion that the biological parents of the children allegedly trafficked through the present applicant are yet to be traced, and the possibility that further trafficked children may be identified and rescued upon a detailed interrogation of the applicant cannot be ruled out. The protection of vulnerable minor children and their safe restoration to their families is a matter of serious concern, and this Court cannot lose sight of this consideration while dealing with the present application.

14. In view of the foregoing discussion, this Court is not inclined to allow the present application for grant of anticipatory bail. The same is accordingly dismissed.



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

16. The judgment be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**

**JANUARY 13, 2026/ns**

*T.S.*