



2026:DHC:4171



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

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*Date of Decision: 12.05.2026*

+ **BAIL APPLN. 1523/2026**

SABIR

.....Petitioner

Through: Mr. Sanjeev Kumar, Mr. Kapil Khanna and Mr. Asif Khan, Advocates.

versus

STATE (GOVT. OF NCT DELHI) & ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for State with IO/SI Kajal Sandhu and SI Gurdeep, PS Seemapuri.  
Prosecutrix in person (*through videoconferencing*)

**CORAM: JUSTICE GIRISH KATHPALIA**

**JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 832/2025 of PS Seemapuri for offence under Section 308(2)/351(2)/64(2)(m)/79 BNS.
2. I have heard learned counsel for accused/applicant and learned APP



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for State assisted by IO/SI Kajal. I have also heard the prosecutrix who has appeared through videoconferencing. Being herself a practising advocate, the prosecutrix submits that she does not want to engage any counsel.

3. Broadly speaking, the allegation against the accused/applicant is as follows. The accused/applicant is a gym trainer, and the prosecutrix started visiting his gym, where they developed friendship. On one of the days, the accused/applicant allegedly administered some laced drink to the prosecutrix due to which she became unconscious and accompanied the accused/applicant to some place, where he raped her and clicked her objectionable pictures. Next day when she went to the gym, the accused/applicant showed her those pictures after which she realized that she had been raped, so she requested him to delete those pictures. Thereafter, under the threat of circulating those pictures on social media, the accused/applicant also demanded Rs.1,00,000/- from her, but she could only arrange Rs.65,000/- and paid the same to him. Thereafter, the accused/applicant repeatedly raped her after threatening to circulate her pictures on social media. Subsequently, she came to know that, for the first time when the accused/applicant raped her, he had taken her to Oyo hotel in Mohan Nagar, Ghaziabad, U.P.

4. Against the above backdrop, learned counsel for accused/applicant contends that the relations between the accused/applicant and the prosecutrix were completely consensual relations and once the relations turned sour, the



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prosecutrix being a practising advocate lodged a false FIR. It is further submitted that even according to the FIR, the prosecutrix was completely aware that the accused/applicant is not just a married man, but also has a child. It is also submitted that the prosecutrix was completely aware that she is 04 years older than the accused/applicant. As regards the money related allegations, learned counsel for accused/applicant submits that it is the accused/applicant who had been transferring money to the prosecutrix or spending for her online.

5. The prosecutrix has opposed the bail application, reiterating the above noted contents of her complaint. It is also submitted by the prosecutrix that her father is employed with the Women Commission and is running NGO and is against any relations between her and the accused/applicant.

6. Learned APP opposes the bail application on the ground that the accused/applicant being a married man with a child and falling in love affair should not be granted bail. Learned APP has also tried to raise a communal argument in the sense that the prosecutrix and the accused/applicant belong to different religions.

7. In the course of arguments, learned counsel for accused/applicant has also submitted across the board 16 coloured photographs and two video clips in a pen drive, which clearly show that the accused/applicant and the prosecutrix were happily engaged in a romantic relationship. None of the



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pictures/videos depicts any obscene or objectionable material. Those pictures/videos are taken on record.

8. It would be significant to keep in mind that the prosecutrix is neither minor in age, nor an illiterate person. As mentioned above, prosecutrix is aged about 30 years and is a practising advocate, fully aware of what is good for her. In any case, the prosecutrix also does not claim that the relationship between the two of them came into existence and flourished on the basis of any false promise extended by the accused/applicant to get married with her.

9. The allegation set up by the prosecutrix against the accused/applicant is that for the first time, the accused/applicant administered some intoxicant after which she lost consciousness. The gym of the accused/applicant where he allegedly administered her that intoxicant is situated at Dilshad Colony, Delhi while the Oyo hotel, where she alleges to have been raped is far away from there in Mohan Nagar, Ghaziabad. It is *prima facie* difficult to understand as to how after losing consciousness the prosecutrix would have travelled that distance.

10. Further allegation of the prosecutrix is that the accused/applicant clicked her nude pictures, with which he blackmailed her into repeated sexual assaults. But the IO submits that the seized mobile phone of the accused/applicant did not contain any objectionable pictures or videos of the prosecutrix. The pictures and videos in the mobile phone of the



accused/applicant are those that have been filed today by learned counsel for accused/applicant and those pictures/videos depict consensual romantic relations and not any objectionable material. Those pictures and videos *prima facie* support the version of the accused/applicant that the relations between two of them were completely consensual.

11. As regards argument of learned APP that the accused/applicant being married man with a child entering into extra marital love affair does not deserve bail, suffice it to record that morality has to be kept separate from the offence, that too while dealing with the matter of liberty of an individual. As regards the argument of prosecution regarding difference of religion, the same has been recorded to be simply rejected.

12. The accused/applicant is in jail since the month of November 2025.

13. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court.

14. Of course, none of the above observations shall be read to the prejudice of either side at the culmination of the trial and the final decision shall be taken by the learned trial court on the basis of evidence adduced



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during trial, without in any manner getting influenced by the above observations.

15. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

**GIRISH KATHPALIA  
(JUDGE)**

**MAY 12, 2026/ry**