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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 12th October, 2026**# **CNR No. DLHC010351762026**+ **BAIL APPLN. 3097/2026****PRATAP SINGH**

.....Petitioner

Through: Mr. Himanshu Kaushik, Adv.
(Through VC)

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP
Mob: 9871349009
SI Vishal, PS Pandav Nagar
M: 8273553904
Mr. Nitesh Mehra, Adv. (Amicus)
with Ms. Hitaakshi Mehra, Mr. Sahib
Singh, Ms. Prashansa Sharma, Ms.
Trisha Parashar, Mr. Shubham Gaur,
Advocates
Mob: 9953652710
Email: advniteshmehra@gmail.com**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral):**

1. The present petition has been filed on behalf of the petitioner, i.e., Sh. Pratap Singh, S/o Sh. Sher Singh, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking regular bail in connection with *FIR No. 234/2025* dated 23rd May, 2025, registered at Police Station ("PS") Pandav Nagar, East District, Delhi, for the offences punishable under Sections 64(1)/62/74/76 of the Bharatiya Nyaya Sanhita, 2023 ("BNS").



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2. The aforesaid FIR came to be registered at the instance of the victim, who alleged that the petitioner had attempted to rape her. A Chargesheet dated 15th July, 2026, was subsequently filed by the concerned Investigating Officer (“IO”), charging the petitioner for the offences stated in the FIR.

3. The proceedings in respect of the present FIR are pending before the Additional Sessions Judge (SC-RC)-02, East District, Karkardooma Courts, Delhi, in *SC 582/2025*, and are currently at the stage of prosecution evidence.

4. The case of the prosecution, as per the Status Report dated 04th September, 2026, filed on behalf of the State, is as follows:

4.1 The present FIR was registered based on the statement of the victim, who stated that on 22nd May, 2025, at approximately 09:30 PM, she was alone at her house as her mother had gone to the market. Her father, sister and brother were also not present at her house.

4.2 The petitioner arrived in a drunken state while the victim was sitting on the stairs. He dragged the victim and took her into the room upstairs, where he attempted to disrobe her, touched her inappropriately on her breast, covered her mouth and attempted to rape her.

4.3 At that time, the mother of the victim arrived at the door and knocked. Upon hearing the sounds of knocking, the petitioner left the room and tried to escape. Meanwhile, the victim opened the door and narrated the incident to her mother while crying. Several persons then gathered there, and the petitioner was caught and beaten.

4.4 The brother and father of the victim returned home after being called by her mother. Thereafter, the brother of the victim made a call to the Police Control Room (“PCR”) bearing *DD No. 128 A*.

4.5 The police officers then arrived and took the victim and her mother to



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PS Pandav Nagar, where the present FIR was registered.

4.6 The petitioner was subsequently arrested on 23rd May, 2025.

4.7 It was found that, as per her school records, the victim was aged 18 years and 3.5 months, at the time of commission of the alleged offences.

5. Learned counsel appearing for the petitioner submits as follows:

5.1 The investigation in the present case has been completed and a Chargesheet has already been filed by the IO.

5.2 Subsequent to the dismissal of the three earlier bail applications filed on behalf of the petitioner, the most recent being dismissed by the Trial Court *vide* order dated 06th June, 2026, the trial has progressed substantially. The material prosecution witnesses, namely, the victim, her mother and her brother, have already been examined before the Trial Court.

5.3 Further, a careful comparison of the FIR, the statement of the victim recorded under Section 183 of the BNSS and her testimony before the Trial Court reveals material improvements, which substantially alter the prosecution narrative.

5.4 During her cross-examination, the victim, i.e., *PW-1*, has admitted that she had not informed the doctor regarding the alleged incident during her medical examination.

5.5 It has further emerged, during the cross-examination, that the clothes worn by the victim were not torn and that the alleged place of occurrence of the incident was accessible through a common staircase, situated in a locality where other persons were residing as well.

5.6 The victim also declined to undergo internal medical examination. In this regard, reliance is placed upon the cross-examination of the mother of the victim, i.e., *PW-2*, who admitted that the doctor had advised an internal



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medical examination, but the same was declined by her on the ground that “*internally nothing had happened*”.

6. On behalf of the State, it is submitted that there are total of 14 witnesses, out of which 04 witnesses have been examined before the Trial Court till date. Further, the bail applications of the petitioner have been rejected three times.

7. On behalf of the victim, the following submissions had been made on the last date of hearing:

7.1 The bail applications of the petitioner have been rejected earlier on three occasions. The only changed circumstance now relied upon by the petitioner is the subsequent completion of the examination of the victim and her mother, brother, and neighbour before the Trial Court. As regards the said circumstance, instead of constituting a ground for the grant of regular bail, the same operates against the petitioner as the material prosecution witnesses have already entered the witness box, supported the prosecution case on oath, and identified the petitioner.

7.2 The testimony of the material prosecution witnesses recorded during the course of trial substantially corroborates and supports the prosecution case.

7.3 The offences alleged against the petitioner are grave in nature, involving allegations of rape, attempt, assault and use of criminal force against a woman with intent to outrage her modesty. These considerations weigh against the grant of bail, particularly given that the material prosecution witnesses have already supported the prosecution case on oath.

7.4 Further, the petitioner was apprehended by the public and the police at the place of occurrence of the alleged incident, while hiding on the roof.

7.5 The victim and her mother have consistently supported the prosecution



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case, and the material on record collectively discloses a strong *prima facie* case against the petitioner.

7.6 The petitioner seeks to rely upon certain alleged contradictions and discrepancies in the depositions of the prosecution witnesses and is inviting this Court to undertake a detailed appreciation of their testimony. Such an exercise is impermissible at the stage of bail.

7.7 Although the examination of the material prosecution witnesses has been completed, the trial is still pending. Since the petitioner and the victim are neighbours, who reside in the same building, it is contended that the victim and her family members may remain susceptible to pressure, influence or intimidation if the petitioner is released on bail.

8. Today, learned counsel appearing for the victim submits that the victim is present in Court today.

9. He submits that the victim is already married and is currently residing in Aligarh, Uttar Pradesh.

10. He further submits that the victim does not wish to pursue the matter any further and the victim has no objection if bail is granted to the petitioner.

11. I have heard learned counsels for the parties and have perused the record.

12. At the outset, this Court notes that during the course of hearing, the Court has been informed that the petitioner and his family have already shifted to their native place at Bulandshahar, Uttar Pradesh, and have vacated the rented premises occupied by them near the victim's house. Furthermore, the petitioner has four daughters and two sons, and two of his daughters are already married. His parents also reside with him.

13. This Court is also informed that the victim has already been married



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and has now shifted to her matrimonial home in Aligarh, Uttar Pradesh.

14. It is to be noted that in the present case, the bail applications of the petitioner have been rejected on three earlier occasions. The earlier bail applications came to be dismissed primarily on the ground that the trial was still in progress and the material prosecution witnesses, namely the brother of the victim and another public witness, were yet to be examined, and there existed an apprehension that, if enlarged on bail, the petitioner might influence the remaining prosecution witnesses. However, subsequent to the dismissal of the earlier bail applications, the trial has progressed substantially and the brother of the victim as well as the public witness, have already been examined.

15. The examination of the aforesaid material prosecution witnesses after passing of the earlier orders rejecting the petitioner's bail, constitutes a significant and substantial subsequent development. The circumstances prevailing as on the date of the dismissal of the earlier bail applications, have, thus, undergone a material change.

16. The settled principle of criminal jurisprudence is that although successive bail applications are ordinarily discouraged, a fresh bail application would be maintainable, where there exists a substantial change in circumstances having a direct bearing upon the entitlement of the accused to be released on bail. Subsequent events that materially alter the factual situation are relevant considerations while deciding a fresh application for bail.

17. Further, it has consistently been held that where material witnesses have already been examined after rejection of an earlier bail application, the apprehension of influencing witnesses substantially diminishes and such



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subsequent development constitutes a valid ground for re-consideration of bail. Thus, the present bail application is maintainable.

18. The investigation in the present case stands concluded and the Chargesheet has already been filed before the Trial Court. Accordingly, the petitioner is no longer required for any custodial interrogation, recovery or any other investigative exercise. Furthermore, the material prosecution witnesses also stand examined.

19. It is no longer *res integra* that at the stage of bail, this Court is required to form only a *prima facie* view and is not called upon to conduct a detailed appreciation or adjudication of the evidence.

20. In this regard, it is to be noted that it has emerged during the course of cross-examination that the clothes worn by the victim were not torn during the alleged incident. Further, the record reflects that the victim declined to undergo internal medical examination. The testimony of the mother of the victim, i.e., *PW-2*, assumes significance, as she has testified that the doctor had advised an internal medical examination, but the same was declined on the ground that nothing had happened with the victim internally. The evidentiary effect of this admission is a matter for final adjudication by the Trial Court. However, the existence of such an admission undoubtedly merits consideration at the stage of bail.

21. The Nominal Roll dated 15th September, 2026, furnished by the concerned Jail Authorities, shows that the petitioner has remained in judicial custody since 23rd May, 2025, i.e., for a period of 01 year, 03 months and 22 days, as on 14th September, 2026.

22. The material prosecution witnesses have already been examined and there is no further investigative purpose that necessitates the continued



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detention of the petitioner. The trial is yet to conclude and is likely to consume considerable time.

23. In the facts and circumstances of the present case, this Court is of the considered opinion that no fruitful purpose will be served by the continued incarceration of the petitioner.

24. Accordingly, in view of the entire conspectus of facts and circumstances of the present case, the petitioner is admitted to regular bail pending trial in connection with the present FIR, on his furnishing a personal bond in the sum of Rs. 30,000/- with one surety of the like amount subject to the satisfaction of the Trial Court/Duty Magistrate, and further subject to the following conditions:

- a. The petitioner shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The petitioner shall furnish his residential address to the IO and shall not change the address without informing the concerned IO/Station House Officer (“SHO”) of the local police station.
- c. The petitioner shall also not move in the vicinity of the victim in any manner.
- d. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- e. The petitioner shall not contact the victim or any of her family members;
- f. The petitioner shall appear before the Trial Court as and when directed;
- g. The petitioner shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all



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times. The mobile number shall not be changed, nor shall the phone be switched off, without prior intimation to the IO/SHO;

h. The petitioner shall report to the concerned local PS on the first Monday of every month.

25. In the event of there being any FIR/Daily Diary (“DD”) entry/complaint lodged against the petitioner, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

26. Needless to state, any observations made in the present order are solely for the purpose of deciding the present bail application, and shall neither influence the outcome of the trial proceedings, nor be construed as an expression of opinion on the merits of the case.

27. The bail application is allowed and accordingly disposed of in the aforementioned terms.

28. Copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.

MINI PUSHKARNA, J

OCTOBER 12, 2026

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