

Bail Matters 83/2026
STATE Vs. RAKHI ALIAS KASHISH SHUKLA
FIR No. 125/2022
PS- (Cyber Police Station)
u/s 328/380/420/411/34/120B/201 IPC

24.04.2026

File taken up today on an application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, filed on behalf of the applicant/accused Rakhi @ Kashish Shukla for grant of regular bail.

Present: Sh. S. Islam and Sh. Shan-ul-Islam, Ld. Counsel for
the applicant/accused.

Sh. Yogendra Singh, Ld. Addl. PP for the State.

1. Vide this order, I shall adjudicate upon the regular bail application filed on behalf of the applicant/accused Rakhi @ Kashish Shukla. Arguments were heard at length, the gist whereof is discussed hereunder.

2. Ld. Counsel for the applicant/accused submitted that the applicant/accused has been languishing in JC since 21.11.2022 and this is the 5th regular bail application filed on her behalf. Ld. Counsel further submitted that the applicant/accused has been falsely implicated in the present case and that the allegations made in the FIR are exaggerated and based primarily on statements without reliable corroboration. Ld. Counsel further submitted that the applicant/accused is a woman and has already undergone a prolonged period of incarceration of more than three years. Ld. Counsel further submitted that in the present matter, investigation has already been completed and chargesheet has been filed and therefore, no further custodial interrogation of the

applicant/accused is required further. Ld. Counsel further submitted that the trial of the case is likely to take considerable time as several witnesses are cited in the chargesheet and therefore, continued detention of the applicant/accused would amount to pre-trial punishment, which is impermissible under law. Ld. Counsel further submitted that the applicant/accused has deep roots in the society, and there is no likelihood of her absconding or tampering with prosecution evidence. Ld. Counsel also submitted that the principle of bail and not jail is a well-settled rule and prolonged incarceration violates the fundamental right to personal liberty guaranteed under Article 21 of the Constitution of India. Ld. Counsel thus, submitted that the applicant/accused ought to be granted bail and she is ready to abide by all the terms and conditions imposed upon her while granting the bail.

3. *Per contra* Ld. Addl. PP for the State vehemently opposed the bail application citing the gravity of the offence as one of the main grounds. Ld. Addl. PP further submitted that the allegations against the applicant/accused are serious in nature and involve cheating, administration of intoxicating substance and theft of valuables from the victims. Ld. Addl. PP further submitted that during investigation, certain recoveries were effected and the accused allegedly disclosed involvement in similar activities. Ld. Addl. PP further submits that another case of similar nature i.e. FIR No. 115/2023, PS Faridabad, Haryana, u/s 380/420 IPC has also been registered against the applicant/accused in another State and therefore, argued that if

the applicant/accused may be released on bail, she may again indulge in similar activities or may evade the trial. Thus, the applicant/accused ought not to be granted bail.

4. I have heard the arguments addressed by the opposite parties and perused the record.

5. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment, the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc. However, at the same time, period of incarceration is also a relevant factor that is to be considered.

6. During the course of arguments, it was brought to the notice of this court that the applicant/accused herein was arrested on 21.11.2022 and has remained in judicial custody for a considerable period. The investigation of the case has already been completed and charge-sheet has been filed in the matter and the matter is presently pending for trial. The purpose of detention during investigation is primarily to ensure proper investigation and to prevent interference with the process of justice. However, once the investigation is substantially complete and the chargesheet has been filed, continued incarceration must be justified by compelling circumstances.

7. At this stage, it would also be relevant to note that the accused is a woman, and the law consistently recognizes that bail in the case of female accused deserves liberal consideration, subject of course to the facts and circumstances of each case. The Hon'ble Supreme Court in **Sanjay Chandra vs CBI (2012) 1 SCC 40** has held that the object of bail is to secure the appearance of the accused during trial and that detention before conviction should not become punitive. Similarly, in **Dataram Singh vs State of Uttar Pradesh (2018) 3 SCC 22**, the Hon'ble Supreme Court reiterated that liberty is a fundamental right and every accused is presumed innocent until proven guilty. The Hon'ble Supreme Court has also repeatedly emphasized that prolonged incarceration without conclusion of trial violates Article 21 of the Constitution, and under such circumstances the courts must lean in favour of granting bail.

8. In the present case, the accused has already undergone substantial incarceration and the trial is not likely to conclude in the near future. The apprehension expressed by the prosecution regarding the possibility of the accused absconding or influencing witnesses can be adequately addressed by imposing appropriate conditions.

9. In the aforementioned circumstances, taking into account the submissions, the period of custody, the fact that the investigation has been completed and chargesheet has been filed and further the fact that, the trial is likely to take a considerable long time, speedy trial in such circumstances does not seem to be a possibility, and also, no further custodial interrogation of the

applicant/accused is required, I deem it fit to grant bail to accused Rakhi @ Kashish Shukla, on her furnishing personal bond with surety bond of Rs. 25,000/- with one surety in the like amount, subject to following conditions:

i). The applicant/accused shall not leave the country without the prior permission of the court;

ii). The applicant shall provide her permanent address to the court. The applicant shall intimate the court by way of an affidavit and to the IO regarding any change in the residential address;

iii) The applicant shall appear before the court as and when the matter is taken up for hearing;

iv) The applicant/accused shall not try to contact or influence the complainant/victim in any manner;

v) She shall not tamper with evidence in any manner and shall regularly appear before the Court on each and every date of hearing; and

vi) She shall also furnish her mobile phone and mobile phone of her surety to the IO and shall keep her mobile phone operational round the clock and shall share her Google PIN to IO.

10. Needless to say, the above-mentioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the regular bail application stands disposed of.

11. In compliance of **Sanjay Singh Vs. State (Govt of N.C.T of Delhi) Writ Petition Criminal 974/2022**, copy of this order be sent to concerned Jail Superintendent to convey the order to inmate.
12. Order be given dasti.

(Dr. TARUN SAHRAWAT)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /24.04.2026