

**IN THE COURT OF MR. HARGURVARINDER SINGH JAGGI, ADDL.
SESSIONS JUDGE (FTC– 01), SOUTH DISTRICT, SAKET COURTS,
NEW DELHI**

Bail Matter No.: 1155/2026	
CNR No.: DLST01-006607-2026	
FIR No.: 136/2026	
Police Station: Maidan Garhi	
u/Section: 115(2), 126(2), 74, 75, 79, 351, 324, 3(5), BNS 2023	

IN THE MATTER OF:

STATE

... Non-Applicant

Through – Mr. Santosh Kumar, Additional Public Prosecutor for the State assisted by IO/SI Manisha, PS – Maidan Garhi.

Mr. Ashwin Bhargav, Mr. Deepesh Kasana, Advocates for the complainant – [REDACTED]

v.

RAJESH KUMARI SHARMA

... Applicant

Through – Mr. Puneet Mittal, Sr. Advocate, i/b Mr. Rupendra Pratap Singh, Ms. Sakshi Mendiratta, Advocates for the Applicant.

Date of filing of bail application:	03.06.2026
Date of reserving order:	04.06.2026
Date of pronouncement of order:	05.06.2026

ORDER

05.06.2026

1. Rajesh Kumari Sharma (Applicant) has moved an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking anticipatory bail in relation to FIR No. 136/2026 dated 20.04.2026 (FIR 136/2026) registered at police station Maidan Garhi, South Delhi, Delhi under Sections 64(1), 115(2), 126(2), 74, 75, 79, 351, 324 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Since the present application is for pre-arrest bail, the applicant, Rajesh Kumari Sharma has not been arrested and apprehends imminent arrest.

3. The FIR against the applicant herein, Rajesh Kumari Sharma, her husband, Naresh Sharma, and her daughter-in-law, Pratima was lodged at the behest of a woman, [REDACTED]. To maintain the anonymity of the complainant/victim, neither her name nor personal details, such as address, mobile phone number, email ID are being disclosed in this order. Due care has been taken to withhold and redact the name of the complainant/victim at relevant places. Further, the complainant/victim is either addressed interchangeably as “she”, “her” and/or “the complainant”.

Facts

4. The factual narration as traced from the FIR 136/2026 is as under:

4.1. The FIR was registered on the complaint of [REDACTED], who alleged that the applicant and her family members physically assaulted her, outraged her modesty, and committed other grave offences.

4.2. The dispute allegedly stems from a pre-existing history of animosity and civil disputes between the families regarding property and construction issues in Varun Farms, Rajpur Khurd.

5. During the course of the investigation, the Investigating Officer (IO) served a notice under Section 35(3) of the BNSS upon the applicant to join the investigation, explicitly stating that she was not being placed under arrest at that stage.

Bail application & Reply by IO

6. Rajesh Kumari Sharma in the bail application has prayed that the applicant be released on anticipatory bail in the proceedings arising out of FIR 136/2026 centering on the plank that she has been falsely implicated in the subject matter due to deep-rooted personal vendetta.

7. The primary contention lodged by the applicant in the bail application is that the FIR is a counter-blast to the previous cross-FIRs registered between the parties in the year 2023 (FIR No. 553/2023 and FIR No. 554/2023). The applicant further emphasizes that she is a 60-year-old former teacher and a homemaker, and the complainant has deliberately trapped and provoked her family to falsely implicate them.

8. The Investigating Officer (IO) and the complainant strongly opposed the bail application stating that the allegations are highly serious in nature,

involving non-bailable offences such as rape, sexual harassment, and physical assault.

Submissions by Counsels

9. Mr. Puneet Mittal, learned Senior Counsel for the applicant opened his arguments in tandem with the averments made in the bail application. The learned senior counsel at length read out the contents of the FIR, bail application, supporting documents and the case laws seeking grant of anticipatory bail to the applicant.

10. The learned senior counsel for the applicant submitted that the present case is a classic example of malicious prosecution fueled by prior animosity. He argued that subjecting a 60-year-old woman to custodial interrogation based on exaggerated and retaliatory allegations would be a travesty of justice, especially when she has clean antecedents and is willing to co-operate with the police.

11. *Per contra*, Mr. Santosh Kumar, learned Additional Public Prosecutor (APP), along with Mr. Ashwin Bhargav, learned counsel for the complainant, submitted that this is not a fit case of bail as urged by the learned senior counsel for the applicant.

12. The learned APP further submitted that the FIR encompasses extremely grave charges, including Section 64(1) of the BNS, and that the investigation is still at a crucial stage where the applicant's custodial interrogation might be required to unearth the complete facts.

13. Mr. Puneet Mittal, learned Senior Counsel for the applicant rejoined his arguments by strongly contending the submissions advanced by the learned APP. The learned senior counsel once again urged that the applicant has been falsely implicated by the complainant and pointed out that the IO's

issuance of a notice under Section 35(3) BNSS itself indicates that her immediate arrest is not required.

Analysis & Findings

14. On careful perusal of the application, reply/objections filed by the IO and weighty arguments advanced by the learned counsel for the parties, the Court has to answer the question, whether the applicant, Rajesh Kumari Sharma can be granted the relief of regular bail as sought?

15. At the stage of granting of bail, only a *prima facie* case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. The bail order should reveal the factors that have been considered by the Court for granting relief to the accused – ***See Ajwar v. Waseem & Anr. – 2024 INSC 438, pp.28.***

16. The Hon'ble High Court of Delhi in ***Shaveta Kataria v. State Govt. of NCT of Delhi & Anr. – 2025 DHC 8043*** while relying upon the law reports of the Apex Court in ***Brijmani Devi v. Pappu Kumar & Anr. – (2022) 4 SCC 497*** and ***Mahipal v. Rajesh Kumar @ Polia – (2020) 2 SCC 118*** observed that the law is well settled that bail proceedings are not intended to mirror the evidentiary rigour of a full-fledged trial. To engage in a detailed assessment of competing versions at this stage would risk converting the bail hearing into a mini-trial, something courts are consistently cautioned against.

17. The Apex Court has held in the catena of law reports that bail is a discretionary relief, to be granted or denied based on the specific facts and circumstances of each case. The Apex Court in its landmark judgment of ***Prasanta Kumar Sarkar v. Ashis Chatterjee and Anr. – 2010 INSC 752***, laid down the following *legal principles*:

- (i) Whether there is any *prima facie* or reasonable ground to believe that accused had committed the offence;
- (ii) Nature and gravity of the accusation;
- (iii) Severity of the punishment in the event of conviction
- (iv) Danger of the accused absconding or fleeing, if released on bail;
- (v) Character, behaviour, means position, and standing of the accused;
- (vi) Likelihood of the offence being repeated;
- (vii) Reasonable apprehension of the witnesses being influenced, and
- (viii) Danger, of course, of justice being thwarted by grant of bail.

18. In light of the above stated legal principles, the answer to the pointed question about grant of bail to the applicant, Rajesh Kumari Sharma is emphatic: **Yes**.

19. When considering an application for anticipatory bail, the Court must balance the personal liberty of the accused against the requirement of a free and fair investigation.

Protection against Malicious Prosecution

20. The Constitution Bench of the Hon'ble Supreme Court in ***Gurbaksh Singh Sibbia v. State of Punjab – 1980 INSC 68***, and subsequently in ***Sushila Aggarwal v. State (NCT of Delhi) – 2020 INSC 106*** laid down that the very purpose of anticipatory bail is to protect individuals from being humiliated or disgraced by being arrested in false and frivolous cases engineered by rivals for ulterior motives.

21. Given the documented history of cross-FIRs from 2023 between the applicant and the complainant, there is a strong *prima facie* presumption

that the present FIR, which includes sweeping and grave charges like Section 64(1) BNS against a 60-year-old woman, is a counter-blast driven by personal vendetta.

Statutory Protection for Women and Senior Citizens

22. Under the provisos of the bail provisions viz., Section 480/483 of the BNSS, 2023, women are entitled to favorable and liberal consideration for bail.

23. The applicant is a 60-year-old female. The provisos to the bail provisions under the BNSS specifically carve out exceptions and mandate a lenient and favorable consideration for women, the sick, or the infirm. Subjecting a 60-year-old female to custodial interrogation in a case rooted in prior animosity would be highly disproportionate and punitive.

Issuance of Notice under Section 35(3) BNSS

24. The Investigating Officer has already issued a notice under Section 35(3) of the BNSS, which indicates that the immediate arrest of the applicant was not deemed absolutely imperative at the time of its issuance, provided she co-operates. Granting her protection against arrest while binding her to join the investigation perfectly aligns with the objective of the provision.

25. The allegations levelled against the applicant, viewed against the backdrop of existing cross-FIRs and pre-existing enmity, strongly suggest an attempt to falsely implicate her to settle personal scores. Considering her age, gender, clean antecedents, and the fact that the dispute appears to be an extension of prior animosity, her custodial interrogation is not warranted.

26. Therefore, on the basis of the material on record, the applicant Rajesh Kumari Sharma is fully entitled to the relief of pre-arrest

(anticipatory) bail, subject to the strict condition that she joins and cooperates with the ongoing police investigation. The Court seemingly inclines towards the *dictum*, *bail is the rule, jail is an exception*.

Decision

27. In view of the above deliberations and observations, the Court allows the application and grants anticipatory bail to the applicant, Rajesh Kumari Sharma at this stage. Accordingly, the bail application moved by the applicant, Rajesh Kumari Sharma titled as ***State v. Rajesh Kumari Sharma – Bail Matter No. 1155/2026*** is allowed.

28. In the event of her arrest, the applicant Rajesh Kumari Sharma shall be released on bail upon furnishing a personal bond in the sum of ₹35,000/- (*Rupees Thirty Thousand only*) with one surety in the like amount to the satisfaction of the Arresting Officer/SHO, Police Station Maidan Garhi, subject to the following conditions:

28.1. The applicant shall furnish a personal bond in the sum of ₹35,000/- (*Rupees Thirty Thousand only*) with one surety of like amount in the form of a fixed deposit receipt (FDR) with a nationalized bank, to the satisfaction of the concerned IO/SHO, Police Station Maidan Garhi, Delhi.

28.2. The applicant is directed to join the investigation on or before 08.06.2026 and co-operate therein. The IO is directed to give 07 (seven) days' notice to be served upon the applicant. In case the investigating agency concludes that the applicant is unable to explain incriminating circumstances and custodial

interrogation is required for a fruitful investigation, the applicant may exercise appropriate remedies in accordance with the law upon receipt of such notice.

- 28.3. The applicant will not leave the country without the permission of the concerned Court from the date of the passing of this order.
- 28.4. The applicant shall intimate and share all her mobile phone numbers with the concerned IO/SHO on or before 08.06.2026 by way of an affidavit. In case of a change in mobile phone number, the applicant shall duly intimate the aforesaid officers within 48 hours of such change by way of an affidavit, without fail.
- 28.5. The applicant shall not, directly or indirectly, make any inducement, threat, or promise to the complainant and/or any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the concerned IO, investigating agency, and/or Courts of justice.
- 28.6. The applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the witnesses, complainant/victim or tamper with the evidence.
- 28.7. In the event of violation of any of the above conditions and/or any FIR/DD-entry/Complaint lodged against the applicant during the period of this bail, liberty is

accorded to the State, to seek redressal by filing an application seeking cancellation of bail.

29. Any observation made here-in-above for the purpose of dealing with the contentions raised during the hearing of the bail application shall not be deemed to be an expression on the merits of the case.

30. Let a copy of this order be given *dasti* to the applicant, Rajesh Kumari Sharma through counsel. Further, let a copy of the order be transmitted to the concerned IO/SHO, Police Station Maidan Garhi, for information and necessary compliance.

31. File be consigned to the record room as per rules, after all compliances and necessary action.

**Pronounced in the open Court on
June 05, 2026**

**(Hargurvarinder Singh Jaggi)
Addl. Sessions Judge (FTC-01)
South District
Saket Courts, New Delhi**

Note: This order comprises of **10** pages in total. The electronic signature certificate (digital signature) of the Presiding Officer has been appended on the last page of the electronic or digital copy (PDF) of this document.