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

+ **BAIL APPLN. 3786/2025**

BHUPENDER SINGH

.....Petitioner

Through: Mr. Ajay Kumar, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
State with Ms. Amisha Dahiya,
Advocates.

Mr. Tushar Jaiswal and Ms. Priyanka
Rani, Advocates for R-2.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **15.10.2025**

CRL.M.A. 29503/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present application, the applicant is seeking grant of anticipatory bail in case arising out of FIR bearing no. 153/2025, registered at Police Station Karawal Nagar, Delhi, for the commission of offences punishable under Sections 85/316(2)/89/3(5) of Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').
4. Issue notice. The learned APP accepts notice on behalf of the State.
5. Briefly stated, facts of the present case are that the deceased, Dipika,



had been married in the year 2020 to Mukesh, son of accused Bhupendra. The couple had two daughters, one of whom was physically challenged. The complainant had consistently alleged that his daughter had been subjected to continuous dowry harassment and mental cruelty by her husband, Mukesh, and his family members. During her third pregnancy, Mukesh had disclosed the gender of the unborn child, i.e. a girl child to the complainant, based on an illegal ultrasound allegedly conducted on 05.02.2025 at Bulandshahr (U.P.) by accused Bhupendra along with his son Vivek. The act of sex determination constituted a grave offence undermining the principles of gender justice. Thereafter, on 07.02.2025, the deceased had been operated upon at Dhanwantri Hospital, Loni, Uttar Pradesh, after which her condition had deteriorated. She had been shifted to GTB Hospital, Delhi, on 10.02.2025, where she had been declared “brought dead.” A PCR call had been received *vide* DD No. 87 dated 10.02.2025, and proceedings under Section 196 BNSS had been conducted by the SDM, Karawal Nagar. Post-mortem had been carried out, viscera preserved and sent to FSL, Rohini, and the histopathology report had indicated an enlarged uterus. Accused Mukesh, husband of the deceased, had been arrested on 02.08.2025, remanded to two days police custody, and subsequently sent to judicial custody on 04.08.2025. During the course of investigation, one Avadhesh, a resident of Bulandshahr and close associate of accused Bhupendra, had disclosed that the illegal ultrasound had been conducted by accused Bhupendra and his son Vivek.

6. Learned counsel appearing on behalf of the present applicant/accused submitted that the applicant had not been named in the present FIR and had been falsely implicated in the case at the instance of the main accused, who



was the husband of the deceased. It is contended that the applicant had no direct role in the alleged illegal ultrasound or the subsequent events leading to the demise of the deceased. It is argued that the applicant's involvement was only alleged on the basis of statements made by third parties and that no independent evidence directly linked him to the commission of the offence. In view of the above, it was prayed that the present applicant/accused be released on regular bail.

7. Learned APP appearing on behalf of the State opposed the present application for anticipatory bail. It was submitted that another FIR bearing No. 322/2025 had also been lodged against the present applicant. Learned APP further stated that FIR dated 12.04.2025, registered in Bulandshahr against the son of the applicant under the Pre-Conception and Pre-Natal Diagnostic Techniques (PNDT) Act, had also been placed on record, indicating that the accused family operated in an organised manner. It was further submitted that the ultrasound machine used for the alleged illegal sex determination is yet to be recovered, and custodial interrogation of the present applicant is necessary to unravel the larger conspiracy and ascertain his role in the offence. In view of these circumstances, it was prayed that the present applicant/accused not be granted anticipatory bail.

8. This Court has **heard** arguments addressed on behalf of learned counsel for the applicant as well as the learned APP for the State and has perused the material available on record.

9. The allegations against the present applicant/accused, in brief, are that he, along with his son, had conducted an illegal ultrasound on the deceased during her third pregnancy to determine the sex of the fetus. It is alleged that upon discovering that the fetus was female, the deceased was coerced into



undergoing an abortion, during which she suffered complications and ultimately died. The applicant is further alleged to have been part of an organised scheme facilitating illegal sex determination in violation of the PNDT Act.

10. The learned counsel for the applicant has argued that the present applicant/accused was not named in the FIR and has been falsely implicated in the present case at the instance of the main accused, who is the husband of the deceased. The contention of the learned counsel that the applicant was not named in the FIR is, however, without merit, as he could have been implicated only by the main accused, who had himself brought the deceased to the applicant for the purpose of determining the sex of the fetus.

11. It is also noted that, as per the Status Report filed and the investigation conducted by the police, the present applicant and his son were actively working in tandem to carry out illegal ultrasounds, with the specific objective of determining the sex of the fetus, thereby facilitating a practice that is not only unlawful but also highly detrimental to societal interests.

12. Further, the investigation reveals that the son of the present applicant, as evident by photographs and other material collected during the investigation, was impersonating as a doctor and is also a co-accused in the present case, with specific allegations that he actively conducted the illegal ultrasound of the deceased for the purpose of determining the sex of the fetus.

13. This Court is further informed that both the accused persons are motor mechanics by profession, who, in addition to their regular occupation, had been running a side business of conducting illegal ultrasounds of pregnant women with the sole objective of determining



the sex of the unborn child.

14. The practice of determining the sex of a fetus and taking subsequent actions based on that information is not merely a violation of law, but each instance of such nature undermines at the value of female life and signals that some lives are deemed less worthy than others due to their gender. It fosters a culture in which girls are seen as burdens rather than equal members of the community, and endangers pregnant women by exposing them to unsafe medical procedures. Beyond the immediate family, such acts corrode social conscience, and strike at the hope of a society to be free from discrimination. If such practices are allowed to continue, it would send a message that human life has little value, and it is therefore necessary that the law intervene decisively to send a clear message that every life, regardless of gender, is entitled to protection and dignity.

15. Given the gravity of the offence and its societal consequences, it is essential that such acts are investigated thoroughly and dealt with firmly. The recovery of instruments used in the offence, custodial interrogation of the accused, and identification of other persons involved are necessary steps to prevent recurrence and ensure accountability. Any indulgence or leniency in such matters could embolden others to commit similar acts. Therefore, stern action is required not only to secure justice in the present case but also to protect the larger interests of society and safeguard the rights of every unborn female child and a woman carrying female fetus.

16. The Court finds that the present applicant has not joined the investigation, and his custodial interrogation is necessary at this stage. Such interrogation is required not only for the recovery of the ultrasound machine but also to identify other accomplices, trace other potential victims, examine



financial transactions and proceeds of the unlawful activities, and determine whether the accused have connections with any hospital where illegal abortions are being conducted. In view of these considerations, the Court is of the opinion that the release of the present applicant at this stage would be inappropriate, and therefore, anticipatory bail cannot be granted.

17. Accordingly, the present bail application is dismissed.

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

19. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

OCTOBER 15, 2025/vc