



\$~62 (27.08.2026)

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

CNR No. DLHC010295162026

+ **BAIL APPLN. 2618/2026**

KISHAN

.....Petitioner

Through: Mr. Hum Nashir Ahmed, Mr. Imran
Alam and Ms. Javed Saifi, Advs.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Manoj Pant, APP
SI Payal Kumari, PS Welcome along
with respondent no.2-in-person

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

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31.08.2026

1. This hearing has been conducted through hybrid mode.
2. Since 27.08.2026 was declared a Court holiday, the present bail application is being heard today.
3. The present application arises from **FIR No. 299/2026** registered at P.S. Welcome, District North East, Delhi under Section 69 of the Bharatiya Nyaya Sanhita (hereinafter referred to as 'BNS').
4. Briefly stated, the prosecutrix, widow of the applicant's brother, alleged that the applicant established physical relations with her from 02.12.2023 on an assurance of marriage. A child was born on 21.08.2024, following which the applicant allegedly declined to marry her.
5. Learned APP for the State has handed over the status report in court



today. Let the same be taken on record,

6. The case of the prosecution as per the aforesaid status report is as under:

“2. That above case was registered on the complaint of ‘P’ at PS Welcome in which she stated that “She is a widow and has two children from her late husband: ‘V’, born on 20 January 2016, ‘D’, born on 18 January 2018. Her husband died on 12.08.2020

3. Thereafter, she lived with her maternal family for some time, but after about two months, at the insistence of her mother-in-law, Sushma Devi, she returned to her in-laws' house at (T-39, Welcome), Delhi.

4. In 2023, her brother-in-law, Kishan (Petitioner), proposed marriage to her. Initially, she refused, but later her mother-in-law, father-in-law, and sisters-in-law continued to pressure her to marry Petitioner, arguing that it would be beneficial for her children future.

5. That, on the night of December 2, 2023, Petitioner promised to marry her and established physical relationship with her. After that incident, Petitioner continued to have sexual relationship with her for several months which resulted her pregnancy and on August 21, 2024 she delivered a male child.

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8. That the complainant reported the matter to PS Welcome on Dt 10.06.2026 with her written complaint and after preliminary enquiry, verification of place of incident, her Medical Examination and counselling a Fir with no 299/26 Dt.11.06.2026 U/S 69 BNS was registered.”

7. Learned counsel for the petitioner submits that there is a delay of nearly



three years in the registration of the aforementioned FIR. It is further submitted that there was no promise of marriage made on the part of the petitioner from the inception and that, even as per the case of the prosecutrix, it was the family members of the petitioner who had assured her of the marriage. Learned counsel also points out that the prosecutrix is stated to be about 40 years of age, whereas the petitioner is about 22 years of age.

8. Per contra, learned APP for the State opposes the grant of bail and submits that the prosecutrix has supported the prosecution case in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS'). It is submitted that, from the very inception, the petitioner established physical relations with the prosecutrix on the false pretext of marriage and, therefore, no case for grant of bail is made out.
9. The Court has heard the learned counsel for the parties and perused the material placed on record.
10. Insofar as the delay in registration of the FIR is concerned, the same, at this stage, cannot by itself be treated as sufficient to discredit the allegations. It is possible that the prosecutrix, on account of societal considerations and in the hope that the petitioner would eventually marry her, did not approach the police immediately.
11. Also, the allegations are not confined merely to the offence alleged under Section 69 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the 'BNS'). It is also alleged that the prosecutrix conceived and subsequently gave birth to a child and that, thereafter, the petitioner and his family members did not permit the petitioner's



name to be recorded as the father of the child.

12. In view of the above, no ground for bail is made out. The present application is accordingly dismissed. Pending application(s), if any, also stand(s), disposed of.

13. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 31, 2026/b/PG