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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010399622026
+ **BAIL APPLN. 3521/2026**
SAFWAN KUNIYIL

.....Petitioner

Through: Ms. Yamika Khanna, Advocate.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
with SI Sandhya.
Mr. Tushar Nigam, Advocate for R-2
along with respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
25.08.2026

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1. Applicant seeks regular bail in case arising out of FIR No.0074/2026 dated 10.06.2026, registered at P.S. Barakhamba Road for commission of offences under Section 376 IPC and Section 69 of *Bharatiya Nyaya Sanhita (BNS)*, 2023.
2. It is contended that there is delay of four years in lodging the FIR which is unexplained. Moreover, the relationship was consensual in nature which started in the year 2022 and there is no criminality involved. Ms. Khanna, learned counsel for the applicant submits that as per the instructions, the applicant is willing to marry prosecutrix and he is also ready to take care of his child.
3. Respondent No.2 is present with her counsel. IO is also present who

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identifies her. During course of the arguments, when asked, respondent No.2 submitted that she was living with the applicant for last more than four years and that he has borne the entire expenditure at the time of delivery of their child also. She submits that the applicant is willing to marry her and she would have *no objection* if the bail is granted to him. His affidavit is on record in which she has deposed therein that she is fully aware about the facts that the applicant is Muslim by faith and is also aware of his existing marital status but would have no objection to the quashing of the FIR and the proceeding emanating therefrom.

4. The investigation is already over as charge-sheet has already been filed.

5. A separate petition has also been filed by the applicant seeking quashing of the FIR, based on such settlement between the parties.

6. Keeping in mind the overall facts of the case, the clean antecedents of the applicant, the fact that the respondent no.2 also does not want to pursue with the FIR, the applicant is, hereby, directed to be released on bail on his furnishing personal bond in a sum of Rs.25,000/- with one surety of like amount, subject to satisfaction of learned Trial Court/CMM/Duty Magistrate with the following conditions:-

- a. Surety would be local.*
- b. Applicant shall appear before the learned Trial Court regularly on date(s) fixed.*
- c. Applicant/accused shall provide his mobile number to the investigating officer and shall keep the same operational all the time, till the disposal of the case.*
- d. Applicant would deposit his passport along with the bail bonds.*

7. The application stands disposed of in aforesaid terms.



8. A copy of this order be sent to the learned Trial Court and also to the Jail Superintendent for necessary information and compliance.

MANOJ JAIN, J

AUGUST 25, 2026/ss/sk



This is a digitally signed order.

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