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

+ **BAIL APPLN. 917/2025**

SAURABH AWASTHI

.....Petitioner

Through: Mr. Avnish Dave, Mr. Kumar
Prashant and Mr. Pramod Kumar,
Advocates

Versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, Additional Public
Prosecutor for Respondent-State
Mr. Manoj Lohat, Advocate for
Complainant (through VC)

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
23.04.2025

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1. The present Bail Application under Section 439 Cr.P.C. read with Section 483 *The Bhartiya Nagrik Suraksha Sanhita, 2023* has been filed by the Petitioner seeking bail in FIR No.617/2024, under Sections 376/506 IPC, registered at Police Station Bawana, Delhi.
2. *It is submitted in the Bail Application* that the Complainant-Prosecutrix was known to the Applicant, as they met through website *Shadi.com*, became friendly started meeting each other and established physical relationships. The Complainant started pressurizing the Applicant for marriage and threatening him. She also shared some emotional messages with the Applicant. In the month of July, 2024 the Applicant



clearly told her that he cannot talk and keep their relationship and on hearing this, the Complainant got angry and threatened him to implicate in false case.

3. On her complaint, FIR No. 617/2024, under Section 376 IPC was registered at Police Station Bawana, Delhi. The Applicant joined the investigation and complied with all the conditions. Charge Sheet was filed and cognizance was taken on 13.12.2024.

4. On 12.02.2025, Bail Application filed by the Applicant was dismissed by the learned Sessions Court on the ground that the Applicant and the Prosecutrix had given a joint statement that they would marry but the Applicant has not fulfilled his promise.

5. The Applicant is in custody since 12.02.2025. There are total 15 prosecution witnesses and it would take long to complete trial and therefore, regular bail is sought.

6. ***Status Report has been filed on behalf of Respondent-State*** wherein the entire details of investigation and filing of charge-sheet in the Trial Court is mentioned. It is further submitted that the matter is listed for Arguments on Charge on 06.05.2025.

7. ***Submissions heard and record perused.***

8. It is an interesting case where an Anticipatory Bail Application was filed on behalf of the Applicant on 03.10.2024 in which protection from coercive action was given to the Applicant. Thereafter, the parties agreed to get married and made statement to this effect in the Court but it did not materialize. Thereafter, Anticipatory Bail Application was withdrawn by the Applicant on 10.12.2024.

9. The Charge-sheet got filed in the Court on 18.11.2024. Since the



Applicant had not been arrested during the investigation and even on filing of charge-sheet, the Bail Bonds and Surety Bonds were furnished by the Applicant under Section 88 Cr.P.C. before the learned Metropolitan Magistrate, which were accepted on 21.01.2025 after which the case was committed to the Court of Sessions for trial.

10. Under whatever impression of law, a Bail Application got filed on behalf of the Applicant on 11.02.2025, which got dismissed on 12.02.2025.

11. The aforesaid narration of the facts reflect that though the Bail Bonds and Surities were furnished by the Applicant before the learned MM on 21.01.2025, then why a Bail Application got filed on 11.04.2025 on behalf of the Applicant is not understandable. Be as it may, the Bail has been denied essentially on the ground that though the parties had intended to marry but did not get married thereafter. It was observed that the Applicant had committed fraud by making a false promise to marry. These observations do not find any logical reasoning in any of the Orders of the Trial Court. The parties may have intended but not got married but that by itself cannot be terms as an act of “fraud”.

12. Further, it has been stated that the father of the Applicant has been extending threats to the Complainant. Even though learned Counsel for the Complainant has asserted that in this regard complaints were made to the Investigating Officer in December, 2024 but pertinently, Bail bonds and surety bonds were accepted by the Court, thereafter, in January, 2025. No application/ copy of complaint has been placed on record by the Complainant to substantiate these averments. Even in the Status Report such fact do not find mention.

13. There is no ground why the bail should be denied, especially when the



Applicant has already been admitted to bail. To avoid any further confusion, the Applicant is admitted to bail on the following conditions:-

- a) The Applicant shall furnish a bail bond in the sum of Rs.25,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court;
- b) The Applicant shall appear before the Court as and when matter is taken up for hearing;
- c) The Applicant shall provide mobile number to the IO concerned which shall be kept in working condition;
- d) The Applicant shall not indulge in any criminal activity and shall not try to influence the witnesses or tamper with the evidence;
- e) That the Applicant shall not contact the Prosecutrix in any way;
- f) In case of change of the residential address, the same shall be intimated to this Court and in the Police Station, by the Applicant.

14. A copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court, for compliance.

15. The Bail Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

APRIL 23, 2025

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