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

+ **BAIL APPLN. 1068/2025**

SAHIL SAINI

.....Petitioner

Through: Mr. Rohit Raheja, Mr. Rahul Raheja
and Mr. Gaurav Prakash, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for State
with Mr. Rajesh Kumar, SI, PS-Nihal
Vihar.
Ms. Manpreet Kaushik, Advocate for
Prosecutrix.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **29.04.2025**

1. The present petition filed under Section 482 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ seeks grant of pre-arrest bail in proceedings arising from FIR No. 178/2025 registered under Section 69 of the Bharatiya Nyaya Sanhita, 2023² at P.S. Nihal Vihar.

2. Briefly, the case of the prosecution in brief is as follows:

2.1. On 19th February, 2025 a complaint was received at P.S, Nihal Vihar from the complainant, "N" alleging sexual assault committed against her by one Sahil Saini (the Applicant) on pretext of marriage.

2.2. The victim was medically examined *vide* MLC No. 24/2025 at Sanjay Gandhi Memorial Hospital, Mangolpuri Delhi after counselling by NGO

¹ "BNSS"

² "BNS"



Counsellor. On the basis of MLC, counselling report and the statement of the complainant, the present FIR was registered. Victim refused for internal medical examination.

2.3. On 3rd March, 2025 victim was produced before the Court and statement under Section 164 of Cr.P.C. was recorded wherein she corroborated her previous statement and stated that she was in relationship with the Applicant for last two years. The Applicant made physical relations with her multiple times on the pretext of promise to marry. She also expressed her intention to marry the Applicant to his mother but on 18th February, 2025, the Applicant married someone else. However, she stated that she did not want to proceed with the case.

2.4. During course of investigation, multiple raids were conducted to in Delhi and also his village Kultana, Jhajjar, Haryana to search the Applicant but he is absconding and evading his arrest.

2.5. On 6th March, 2025, the Applicant filed an application seeking anticipatory bail which was dismissed by the ASJ-05, West, Tis Hazari Court.

3. On 17th March, 2025, during the hearing, counsel for Prosecutrix stated that she does not oppose the present bail application. She stated that Prosecutrix does not even wish to prosecute the present FIR. Nonetheless, the Applicant was directed to join investigation. In compliance, the Applicant has appeared before the Investigating Officer on 18th March, 2025 and since then the Applicant is not been called for further interaction. Counsel for the Prosecutrix reiterates her stand as noted above.

4. Mr. Hemant Mehla, APP for State, states that the further presence of the Applicant is no longer necessary for the investigating purposes.



5. The Court has considered the facts and the submissions advanced. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.³

6. In view of the foregoing, the application is, therefore, allowed. The Applicant, in the event of arrest, is directed to be released on bail on furnishing a bail bond for a sum of INR 25,000/- with two sureties of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicant shall not leave the country without informing the IO/SHO concerned;
- c. The Applicant shall not contact the witnesses or tamper with the evidence in any manner;
- d. The Applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

7. In the event of there being any FIR/DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

³ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



8. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

9. The application is allowed in the afore-mentioned terms

SANJEEV NARULA, J

APRIL 29, 2025

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