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

+ **BAIL APPLN. 1134/2025**

ABHISHEK BARANWAL

.....Petitioner

Through: Mr. Basant Kumar Gautam, Mr.
Pawan Deep Gautam, Mr. Krishan
Kumar and Mr. Aniket Kumar,
Advocates

versus

THE STATE (N C T OF DELHI)

.....Respondent

Through: Mr. Mukesh Kumar, APP for State
with SI Shalini Juyal, PS Paharganj
Ms. Inderjeet Sidhu, Advocate
(DHCLSC) with Ms. Nazreena
Sheikh, Advocate for Prosecutrix.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

08.05.2025

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1. The present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 439 of Criminal Procedure Code, 1973²), seeks grant of regular bail in FIR No. 79/2025 dated 17th January, 2025, under Section 69 of the Bharatiya Nyaya Sanhita, 2023³, at P.S. Pahar Ganj.

2. The case of the prosecution, as set out in the complaint filed by the prosecutrix (the "Complainant"), daughter of R, aged about 31 years, is summarised as follows:

2.1. The Complainant alleges that she had been acquainted with the

¹ "BNSS"

² "CrPC"

³ "BNS"



Applicant for approximately three years prior to the incident. Their acquaintance began through an online platform known as “All Party”, following which they exchanged phone numbers and remained in frequent communication. Over time, the relationship developed into an emotional and romantic bond, and the Applicant purportedly proposed to her over a phone call.

2.2. On 7th October, 2024, the Applicant informed her that he was attending a friend’s engagement in Sawai Madhopur and requested her to book a hotel room in Delhi. Although initially reluctant, the Complainant eventually acceded to the request as the Applicant assured her of his intention to marry her. She then booked a room at Hotel City, Paharganj, Delhi, where they met on 8th October, 2024. Upon entering the room, the Applicant allegedly switched off both her mobile phones, stating that she should not use her phone in his presence. Thereafter, he allegedly forced himself upon her while repeatedly reiterating his assurance to marry her. The Applicant checked out of the hotel on 10th October, 2024, and the Complainant followed suit on the following day.

2.3. After a few days, the Applicant contacted her to inform that he was getting married in November 2024 and subsequently blocked her from all communication platforms. On 2nd November, 2024, the Complainant claims to have travelled to the Applicant’s residence in Sultanpur, Uttar Pradesh, where she met both the Applicant and his father. There, she was allegedly threatened, her phone was forcibly taken, and she was put on a train at Sultanpur Railway Station under coercion, with the Applicant’s father accompanying her to ensure that she did not disembark.

3. The Counsel for the Applicant makes the following submissions



seeking grant of regular bail:

3.1 Counsel for Applicant submits that the Applicant has been falsely implicated and has been in judicial custody since 31st January, 2025. The allegation that he engaged in sexual relations with the Complainant on the false pretext of marriage is incorrect and false. While the parties were acquainted for approximately two and a half years and remained in regular contact, the Applicant never assured the Complainant of marriage.

3.2. The parties never shared any physical intimacy, and had met in person only once, the day of the alleged incident. That meeting, it is claimed, was compelled by the Complainant's repeated emotional threats, including threats of self-harm in the event the Applicant failed to meet her.

3.3. The FIR has been lodged as an after-thought. Reliance is placed on a Settlement Agreement dated 22nd November, 2024, wherein the Complainant purportedly agreed not to initiate any legal proceedings against the Applicant in future. It is submitted that the Applicant paid the Complainant a sum of ₹1,00,000/- in terms of this understanding. Nonetheless, the Complainant allegedly resumed making threats and later filed the present complaint.

3.4. The Applicant asserts that he has deep roots in society, bears a clean record with no criminal antecedents, and assists his father in running a small shop for the sustenance of his family. It is urged that given his local address in Delhi, the risk of flight is negligible.

4. On the other hand, Mr. Mukesh Kumar, APP for the State, as well as Ms. Inderjit Sidhu, strongly oppose the present bail application advancing the following submissions:

4.1. The allegations are of a grave and serious nature. The complaint



discloses that the Applicant engaged in sexual relations with the Complainant by deceitfully inducing her with a false promise of marriage. Such conduct, it is submitted, falls squarely within the contours of Section 69 of the Bharatiya Nyaya Sanhita, 2023.

4.2. Considering the gravity of the allegations and the nature of the relationship between the parties, there exists a real and substantial apprehension that the Applicant may influence or intimidate witnesses if released on bail.

5. The Court has considered the aforementioned contentions. At the outset, it is not in dispute that a Settlement Agreement was entered into between the Applicant and the Complainant, pursuant to which a monetary payment was also made. While such a settlement is not determinative of the truth or falsity of the allegations, it does form part of the surrounding circumstances that must be taken into account.

6. The Court further notes that there are WhatsApp messages placed on record, indicating that the parties had been in a relationship for some time prior to the incident. These messages *prima facie* reveal that the Complainant, perhaps, had reached a point of emotional distress severe enough to contemplate self-harm. These facts suggest that the relationship was, at least *prima facie*, of a personal and consensual nature, which later broke down. Whether a promise to marry was made, and whether such a promise was illusory from the inception, are factual issues that can only be conclusively determined upon a full appreciation of evidence at trial. At this stage, a deeper examination would risk converting bail proceedings into a mini-trial which must be avoided.

7. It is well established through a 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.⁴ In the instant case, Chargesheet has already been filed, therefore, the Applicant's presence is no longer needed for investigation purposes. He has clean antecedents and as per the latest Nominal Roll, he has been in judicial custody since 31st January, 2025. Therefore, at this stage, it would be appropriate for the Applicant to be enlarged on bail.

8. In light of the above, the Applicant is directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- along with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation in the case, as and when directed by the concerned IO;
- b. The Applicant shall not engage in any criminal activity. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c. The Applicant shall not contact the victim or any of her family members;
- d. The Applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- e. The Applicant shall appear before the Trial Court as and when directed;

⁴ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



- f. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- g. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
- h. The Applicant shall report to the concerned P.S. each week on Monday and Thursday, at 4:00 PM and shall not be kept waiting for more than an hour.
9. 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.
10. 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 shall not be taken as an expression of opinion on the merits of the case.
11. A copy of the order be sent to the Jail Superintendent for information and necessary compliance.
12. The bail application is disposed of in the aforesaid terms.

SANJEEV NARULA, J

MAY 8, 2025/SV