



2025:DHC:4648



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

% ***Date of decision: 27th May, 2025***

+ **BAIL APPLN. 1238/2025 & CRL.M.A. 9630/2025**

ANKIT KASANAPetitioner

Through: Mr. U.S. Gautam, Advocate.

versus

THE STATE NCT OF DELHI & ANR.Respondents

Through: Mr. Utkarsh, APP for the State with
SI Sanjeeta P.S. Mukherjee Nagar.

Mr. M. Rahman and Mr. Nadeem
Khan, Advocates for Victim/
Complainant.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U G D M E N T (oral)

1. A Bail Application under Section 438 Cr.P.C read with Section 482 BNSS has been filed on behalf of the Applicant Ankit Kasana for grant of Anticipatory bail in case *FIR No.197/2025 under Section 376/506 IPC Police Station Mukherjee Nagar, Delhi.*

2. The Petitioner has submitted that he has been trapped by the Complainant and she has been blackmailing him on several occasions for huge amount of money. She has extorted more than Rs.10 lakhs, out of Rs.5 lakhs had taken transferred in her Bank Account, while the remaining Rs.5 lakhs has been paid in cash. She has been previously involved in the same manner in false and fabricated cases, which she has settled by extorting



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huge amount of money from innocent people, by making false Complaints in their name in her native place.

3. The Applicant further submits that he is a young boy of 25 years and is preparing for Government job since last few years for which he had been obtaining coaching from Paramount at Mukherjee Nagar, Delhi. He is also doing online coaching from various platforms and has a bright future. He has old aged parents. His father has retired from Army. The Applicant has now got married on 18.01.2025.

4. It is stated that the alleged incident is of 2020 when the Complainant who is aged about 25 years, had met him through common family friend and they became friendly with each other. Thereafter, the victim showed one sided deep love towards the Applicant and they started meeting each other and going for outings to different locations in the past few years, on the expenditure of the Applicant. It was a consensual and voluntary relationship. Several gifts were exchanged from either side mutually and they remained in relationship for a period of almost five years, till last quarter of 2024.

5. The over demand of money and time by the Complainant has frustrated the relationship. On each occasion, she remained dipsomaniac which led to her using abusive language and being violent towards the Applicant. Because of this conduct, they both blocked each other. After some time, the Complainant sent a legal Notice in October, 2024 through an Advocate making a demand of Rs.9 lakhs. She thereafter, made a false and fabricated Complaint of sexual assault on several occasions against the Applicant at Police Station Mukherjee Nagar, Delhi.

6. In the month of November, 2024 during the course of Inquiry, the



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Complainant called her family members and the Applicant called his family members, who came to P.S. Mukherjee Nagar on 02.12.2024 and 08.01.2025, whereby all the disputes were settled and it was agreed that he would pay Rs.10 lakhs. However, it was mutual transactions between the Applicant and the Complainant and the copy of the transactions are annexed with the Application.

7. The Complainant herself gave a Statement/Application on 02.12.2024 and 08.01.2025 that she has received the entire amount and she does not want any further action against the Applicant. A Settlement Deed dated 26.12.2024 and 10.01.2025 was also prepared, which was written by the Complainant in her own handwriting.

8. The Applicant alleges that the Complainant has extorted money from the Applicant since last few years on the pretext of falsely implicating him in a rape case and she continued in her acts till the Applicant denied to give her any more money.

9. The Applicant has further claimed that when it came to the knowledge of the Complainant that the Applicant is going to get married on 18.01.2025, she developed a hostile and a revengeful attitude towards him since then and with a motive to extort money, she lodged the false present FIR under Section 376/506 IPC.

10. On 20.03.2025, I.O issued a Notice to him to join the investigations at the Police Station. Raids were conducted at his house in his native place on 20.03.2025 and thereafter, in the early morning, on 24.03.2025. He has an apprehension of arrest as the Investigating Agencies have been looking for him and raiding his house at odd hours. The Complainant also had called



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the Applicant several times and extended abuses for not paying the desired amount to her. She has further extended threat that he must leave his wife or else she would implicate him falsely in this case.

11. The Applicant submits that he is willing to join the investigations and extend full co-operation to the Police.

12. Reliance has been placed on Arnesh Kumar vs. State of Bihar & Anr. CrI.A. No.1277 of 2014, wherein it has been held that in cases under Section 498A IPC or Section 4 Dowry Prohibition Act or such like offences where punishment is for a term which may be less than 7 years and/or with fine, the Police should not make the arrest automatically.

13. It is asserted that the Applicant has been falsely implicated in this case and no custodial interrogation is required.

14. He has thus, made a prayer for grant of Bail.

15. The **Status Report** has been filed on behalf of the State, wherein it is submitted that during the investigations, medical examination of the Complainant was got conducted at BJRM Hospital, where she declined to undergo internal gynaecological examination. Her Statement under Section 183 BNSS was recorded by learned JMFC, Rohini Court, wherein she corroborated her previous version and further alleged that the accused is engaged in unnatural sex with her and recorded her nude videos in his mobile phone. Thereafter, Section 377 IPC was also added.

16. The Anticipatory bail Application filed by the Applicant before the learned ASJ, has been dismissed on 26.03.2025.

17. The Applicant had joined investigations on 31.03.2025, where he was interrogated, but he denied all the allegations. He was relieved from



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investigations, as per the directions of the learned Court in Order dated 28.03.2025. The Potency Test of the Applicant has been conducted at RML Hospital on 09.04.2025.

18. On 14.04.2025 Applicant joined investigations and handed over one blue colour mobile phone OPPO A-55 stating it to be containing personal and family photographs and videos. The mobile phone was checked, but no obscene video, photographs were found in it. The mobile phone has been seized and sent to FSL for retrieval of deleted data.

19. The Applicant does not have any previous involvement or conviction. It is asserted that the allegations made against the Applicant are serious in nature and the investigation is at the initial stage. The obscene videos are still in possession of the Applicant, which have to be recovered.

20. The Anticipatory Bail is, therefore, opposed.

21. **Learned counsel for the Complainant** had appeared along with Complainant and vehemently opposed the Bail. It was claimed that the Complainant who was a young girl of 20 years, has been sexually exploited over a period of four years. She was made to undergo abortions four times and was under constant threat and fear from the Applicant that he would make public the nude videos which he had prepared of himself and the Complainant.

22. It is submitted that he had lured her to part with huge amounts of money. In fact, she took a loan of Rs.9 lakhs from a Bank and gave it to the Applicant who intended to start a business. She has been paying Rs.25,000/- per month towards the instalments of loan till date. Learned counsel further submitted that about Rs.5 lakhs have been returned by the Applicant, but the



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balance amount has not been paid.

23. It is submitted that that there was no consensual relationship but the consent had been obtained under the false promise of marriage, therefore, considering the continuous exploitation for over a period of four years, the Bail be not granted.

24. **Submissions heard and record perused.**

25. Admittedly, the Applicant and the Respondent came to know each other through a common friend in the year 2020 and since then they have been in consensual sexual relationship. The Respondent has asserted that she had given Rs.9 lakhs as loan, but the Applicant has placed on record the receipts to show that the entire amount stands refunded, Rs.5 lakhs were transferred to her bank account while Rs.2.3 lakhs have been transferred through UPI.

26. The record further shows that the Complainant had given a hand written letter to SHO, P.S. Mukherjee Nagar on 02.12.2024, wherein she had written that the matter has been amicably settled. There has never been any force used on her and there was no talk of marriage between them. She intended to take her Complaint back voluntarily and that she had no Complaint to make against the Applicant. Similar Application was again filed before the SHO, P.S Mukherjee Nagar on 08.01.2025.

27. *Prima facie*, it has been shown that the Complainant who was an adult, had got into a consensual relationship. The marriage of the Petitioner on 18.01.2025 became a contentious issue with the Complainant who started demanding back the money that she had given to the Applicant, which eventually got returned. However, the things did not get sorted out and this



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FIR got registered on 18.03.2025.

28. As per the Status Report, the Applicant has joined investigations and has handed over the mobile phone. The statement of the Prosecutrix already stands recorded under Section 183 BNSS. Her medical examination has been done.

29. In the light of the aforesaid circumstances and the nature of the Complaint, it is directed that in the event of his arrest, the petitioner shall be admitted to bail by the Investigating Officer/Arresting Officer subject to the following conditions:

- (i) The petitioner shall furnish a personal bond in the sum of Rs.35,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer;
- (ii) The petitioner shall furnish his mobile phone number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- (iii) The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

30. The Petition stands disposed of in the above terms.

NEENA BANSAL KRISHNA, J

MAY 27, 2025/va