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

+ **CRL.REV.P. 134/2025**

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.....Petitioner

Through: Mr. A.K. Singh and Ms. Aanchal
Bindal, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for State
with SI Santosh Sirohi, PS-GTB
Enclave.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **27.11.2025**

CRL.M.A. 35237/2025 (for early hearing)

1. For the grounds and reasons stated in the application, the same is allowed and with the consent of the counsels, the main revision petition is taken up for hearing today itself.

2. The application is disposed of.

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3. The present revision petition assails (i) the order dated 15th January, 2025 granting bail to Respondent No. 2, and (ii) the subsequent order dated 19th March, 2025 rejecting the Petitioner's application under Section 483(b) Bharatiya Nagarik Suraksha Sanhita, 2023¹ seeking cancellation of the said bail.

¹ "BNSS"



4. Briefly, the case of the prosecution is as follows:

4.1. On 10th October, 2024, the Petitioner/victim reported that on 11th August, 2024, when she was alone at home, her husband's friend Vinay (Respondent No. 2) came to the house on the pretext of meeting her husband and asked for tea and water. After consuming the tea, she felt unconscious and fell on the bed.

4.2. Upon regaining consciousness about half an hour later, she found both her clothes and Respondent No. 2's clothes removed, and Vinay was allegedly sexually assaulting. When the Petitioner pushed him away, he threatened to kill her and her children if she disclosed the incident.

4.3. The Petitioner stated that due to fear and distress she remained silent, but later disclosed the incident to her husband on 10th October, 2024. Based on her written complaint, FIR No. 475/2024 under Sections 64(1)/351(3) BNS was registered at PS GTB Enclave, and investigation was initiated.

5. Subsequently, Respondent No. 2 was arrested and sent to judicial custody on 14th October, 2024. Thereafter, once the investigation stood complete and the chargesheet was filed, the Sessions Court by order dated 15th January, 2025, enlarged Respondent No. 2 on bail, making the following observations:

"6. It is observed that after completion of investigation, the chargesheet stands filed before the Court of Ld. JMFC-01/Shahdara on 04.12.2024. Although one protest petition seeking directions for further investigation and collection of CDR of the calls exchanged between accused/applicant and victim, and between father of accused/applicant and husband of victim, is pending disposal before the L.d. Magistrate, the further custody of accused/applicant is not required for the said purpose.

7. There was allegedly some financial transaction between accused/applicant and husband of complainant, and accused/applicant allegedly informed the complainant about the large sum of loan taken by her husband from the different persons in the society. It is emphasised by L.d. Defence counsel that accused/applicant was implicated due to the said



reason. The said submission may not be appreciated at this stage as there is no material in this regard on record of the chargesheet.

8. *Having considered all the facts and circumstances, the period of custody of accused/applicant since 14.10.2024, the fact that investigation is complete, the fact that chargesheet stands filed, the fact that further custody of accused/applicant is not required, the fact that there is no complaint of any alleged threat to the complainant by the family of accused/applicant and the fact that no recovery is required to be effected from accused/applicant, there appears no legal impediment in grant of bail to accused/applicant. The application is, accordingly, allowed.*

Accused/applicant Vinay Kumar is admitted to bail on furnishing Bail Bond in the sum of Rs.25,000/- with two sureties in the like amount to the satisfaction of Ld. JMFC/Link JMFC/Duty Magistrate, as the case may be.

9. *Nothing in the present order shall tantamount to expression of opinion of this Court on the merits of this case.*

10. *Application is disposed of accordingly.”*

6. The Petitioner thereafter moved an application seeking cancellation of bail before the Sessions Court, alleging violation of bail conditions. The said application was rejected by order dated 19th March, 2025, with the following observations:

“1. This an application u/s 483(b) BNSS, seeking cancellation of bail granted to non-applicant/accused Vinay vide order dt. 15.01.2025 of this Court.

2. It is argued by Ld. Counsel for applicant/complainant that subsequent to grant of regular bail, non-applicant/accused has been regularly following the complainant and her family members including her children. It is argued that accused has violated the terms of bail order dt. 15.01.2025 and two complaints, one dt. 18.02.2025 and the other dt. 13.03.2025 have been filed against him by complainant. It is stated that the bail granted to accused be cancelled.

3. Per contra, it is argued by Ld. Counsel for non-applicant/accused that both the complaints are false and fabricated. It is stated that complaint dt. 18.02.2025 has been filed belatedly as the alleged incidents of extending threats are dt. 24.01.2025 and 27.01.2025. It is argued that complainant is deliberately filing false complaints against the accused to seek cancellation of the bail granted to him by this Court vide order dt. 15.01.2025.

4. Submissions heard. Record perused.

5. It is noted that complainant/applicant is seeking cancellation of



bail of accused primarily on the ground of continuous stalking with the purpose of threatening her and her family members including her children. This Court has perused complaint dt. 18.02.2025 wherein two such incidents dt. 24.01.2025 and 27.01.2025 have been narrated. It is noted that there is no PCR call of any of the alleged incidents. Further, there is no explanation as to why the complaint of the alleged two incidents was filed after an inordinate and unexplained delay of about three weeks. The reason of not making a PCR call has also not been satisfactorily put before the Court by Ld. Counsel for complainant.

On being asked about the location of the mobile phone of complainant and her husband on 27.01.2025 at about 01:30 AM, it is stated by 10 that complainant and her husband did not furnish the mobile numbers used by them on the given date and time. It is stated by Ld. Counsel for complainant that the mobile numbers can be given right away. This Court fails to understand the reason of non-furnishing of the mobile numbers by complainant to the 10. It appears that 10 is also being misguided in this regard by the complainant.

6. *Ld. Counsel for accused has also played a video footage on his mobile phone where complainant and her husband are allegedly beating the accused outside a police station. The incident is admitted by Ld. Counsel for complainant/applicant stating that accused was misbehaving with and abusing the complainant and her husband and therefore, the altercation took place. In the opinion of this Court, the incident as seen in the video footage is more than an altercation.*

7. *Having considered all the aforesaid facts and circumstances, this Court is neither satisfied nor convinced with the submissions put forth on behalf of complainant/victim for seeking cancellation of bail of accused/non-applicant. There does not appear any prima facie violation of the conditions of bail granted vide order dt. 15.01.2025. The application seeking cancellation of bail, is therefore, dismissed.”*

7. Aggrieved by the dismissal of her cancellation application and also challenging the grant of bail on merits, the present revision petition has been filed. Counsel for the Petitioner submits that the allegations in the FIR are grave and required a more careful assessment at the stage of grant of bail. The Sessions Court mechanically enlarged Respondent No. 2 on bail merely because the investigation was complete and the chargesheet filed, without considering the seriousness of the offence or the surrounding circumstances. In cases alleging sexual assault, the Court must adopt a more cautious and



sensitive approach.

8. As regards violation of bail conditions, it is urged that Respondent No. 2 has repeatedly threatened the Petitioner and her husband, creating an atmosphere of fear. The Petitioner is living under constant apprehension and is unable to send her children to school due to the Respondent No. 2's alleged conduct, and that he has also been sending messages to the Petitioner and her husband, thereby warranting cancellation of bail.

9. Conversely, Mr. Hemant Mehla, APP for the State, relies on the status report to submit that all complaints made by the Petitioner have been duly examined, and no specific or verifiable instance of threat by Respondent No. 2 has emerged. He further submits that no message allegedly sent by Respondent No. 2 has been produced before the Investigating Agency. It is also stated that despite repeated requests, neither the Petitioner nor her husband provided their mobile devices for forensic verification of the allegations, thereby hindering an objective assessment of the complaints.

10. The Court has considered the aforementioned contentions. As noted above, the alleged incident of sexual assault took place on 11th August, 2024, whereas the FIR came to be lodged on 10th October, 2024. Although delays in reporting offences of this nature are not uncommon and may arise from a range of personal or situational constraints, the existence of such delay remains a factor to be noted at this stage. Further, apart from the Petitioner's own account, no scientific or corroborative evidence has yet been placed on record by the prosecution. The prosecution case, therefore, substantially rests on the testimony of the Petitioner, the evidentiary value of which will have to be assessed during trial.



11. In this backdrop, the order granting bail, though could have briefly engaged with the background facts, cannot be said to suffer from perversity. The Sessions Court correctly noted that the investigation was complete, the chargesheet had been filed, no further recovery was required, and the continued custody of the accused was not necessary. It also recorded that there was, at that stage, no complaint of threat reported by the Petitioner against the family of the accused. Viewed cumulatively, the parameters governing the grant of bail were duly considered, and no ground is made out for interference with the order granting bail.

12. As regards the allegation that Respondent No. 2 extended threats to the Petitioner, the State's enquiry has not yielded any material to support such claims. In this backdrop, it is relevant to note that cancellation of bail is an exceptional remedy, invoked only where there is clear supervening misconduct or other cogent circumstances warranting curtailment of liberty.² Mere apprehension or a re-examination of issues already considered at the time of grant of bail does not suffice. Since the complaints made by the Petitioner have not been substantiated through any verifiable material, no ground is made out to recall the bail already granted.

13. Nonetheless, in order to allay the concerns of the Petitioner, the concerned SHO is directed to provide the contact details of the beat constable to the Petitioner, so that in case they receive any threat, the same can be verified and acted upon without any delay.

14. In light of the above, the petition is dismissed along with pending applications.



15. The date fixed i.e., 24th March, 2026, hereby stands cancelled.

SANJEEV NARULA, J

NOVEMBER 27, 2025

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² *Dolat Ram v. State of Haryana* (1995) 1 SCC 349.