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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1633/2025**

SUMEET SHAMJI KHUMAN

.....Petitioner

Through: Mr. Mohit Mathur, Senior Advocate
with Mr. Amit Ranjan Singh and Mr.
Giridhar Thakur, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP for
State.

SI Seema, P.S. Prashant Vihar.

Mr. Tashriq Ahmad, Advocate for R-2
with R-2 (through VC).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

29.08.2025

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1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 39/2025 registered under Sections 69/308(2)/351(2) of the Bharatiya Nyaya Sanhita, 2023³ at P.S. Prashant Vihar. Subsequently, chargesheet was filed where the Applicant was charge sheeted under Sections 69/308(2)/351(2)/318/79 of BNS. The Applicant's earlier application for regular bail was dismissed by the court of ASJ: Special FTC (North) Rohini Courts, Delhi *vide* order dated 28th March, 2025.

2. The prosecution case, in brief, unfolds as follows:

¹ "BNSS"

² "Cr.P.C."

³ "BNS"



2.1. The Complainant came into contact with the Applicant, through a matrimonial website (Shaadi.com) in the context of a prospective matrimonial alliance.

2.2. According to the Complainant, on 11th June, 2022 the Applicant visited her residence in Delhi. She states that he was aware that her parents had travelled to Jaipur, and that she was alone at home. The Complainant alleges that the Applicant sexually assaulted her during this visit, and subsequently, began to blackmail her by asserting that he had explicit videos of her.

2.3 The Complainant refrained from disclosing the incident and continued her association with the Applicant, as he had gained the trust of her family on the assurance of marriage. Over subsequent months, the Applicant is alleged to have manipulated the Complainant into paying substantial sums of money upon the pretext of financial distress and the prospect of an impending marriage, including coercing her to borrow funds from others.

2.4. The Complainant also alleges that the Applicant issued threats to rape her and to dishonour her family. These threats, she states, compelled her to comply with his monetary demands under fear of public humiliation and physical harm. Between October 2022 and June 2023, the Complainant allegedly transferred approximately INR 48,00,000/- to the Applicant, and by August 2024, the cumulative amount transferred had increased to INR 65,00,000/-. The Complainant alleges that to meet the Applicant's demands for such a large money transfer, she was compelled to take loans totalling to INR 35,00,000/-. Faced with such pressure, the Complainant claims to have continued providing funds under duress until she lodged the present FIR on 11th January, 2025.

2.5. Following registration of the FIR, investigation commenced. The



Applicant was arrested from Mumbai on 20th January, 2025. His mobile phone was seized, and he was produced before the Trial Court. During police custody, the Applicant allegedly admitted to extracting money from other women as well. The analysis of the bank's statements revealed that between 19th February, 2022 and 13th August, 2024, the Complainant had transferred INR 55,00,000/- from her ICICI and SBI accounts to the Applicant's Canara Bank and IndusInd Bank accounts. Entries in the Canara Bank account showed receipt of INR 37,10,000/-, corroborating the Complainant's version, while the IndusInd Bank statements are awaited pursuant to notice under Section 94 BNSS.

2.6. Further, a pen drive containing recordings of conversations between the Applicant and the Complainant was seized. These recordings, according to the seizure memo, captured the Applicant abusing the Complainant, demanding money, and issuing threats.

2.7. On 25th February, 2025, the Complainant gave an additional statement regarding threats to make videos viral. She clarified that while she had not actually seen such material, the Applicant had threatened that he possessed nude photographs and videos of her. This statement was recorded under Section 180 BNSS, leading to the addition of offences under Sections 318 and 79 BNS. The seized mobile phone was also forwarded to FSL, Rohini, for forensic examination.

2.8. Upon conclusion of investigation, chargesheet under Sections 69/308(2)/351(2)/318/79 of BNS was filed against the Applicant on 15th March, 2025.

2.9. Further investigation revealed loan verification of the Complainant and the statement of another witness, who has also alleged that the Applicant took



INR 20,00,000/- from her and established physical relations on the pretext of marriage. Investigation on this point is still ongoing.

3. Mr. Mohit Mathur, Senior Counsel for the Petitioner, urges the following grounds for bail:

3.1. The present FIR stems from a monetary dispute, and the Complainant has invoked rape charges as a tool of coercion to recover money. The use of criminal law in this manner reflects a clear abuse of process and is not borne out of any contemporaneous grievance

3.2. There is an inordinate and unexplained delay in the registration of the present FIR. The alleged incident is said to have occurred in 2022, yet the FIR came to be registered only in 2025. Even during the intervening period, including throughout 2023, there was no communication from the Complainant raising any grievance against the Applicant. This delay severely undermines the credibility of the prosecution's case.

3.3. The Complainant is an adult, around 39 years of age, and professionally qualified as an engineer. She was fully aware of the nature and consequences of her actions. The prolonged association between the parties, including continued communication and physical intimacy after the alleged incident, clearly points to a consensual relationship and not one of coercion or deception.

3.4. The medical examination (MLC) was conducted after an unreasonable delay of nearly three years in 2025, long after the alleged incident. As such, it is inconclusive and holds no evidentiary value to support the charge of sexual assault.

3.5. No incriminating material or objectionable photos or videos, has been recovered from the Applicant's phone, which was seized at the time of arrest.



The charge-sheet itself confirms the absence of any such material, thereby discrediting the allegation of blackmail.

3.6. Charge-sheet has already been filed, and the Applicant has been in judicial custody since 22nd January, 2025. The custody of the Applicant is, therefore, no more required for the purposes of investigation and continued incarceration would amount to punitive detention.

3.7. The Applicant is a permanent resident of Mumbai and has no criminal antecedents. He poses no flight risk and undertakes to comply with any condition imposed by this Court.

3.8. The Applicant is the sole caregiver for his elderly parents, aged around 71 years. His father recently underwent a bypass surgery and is entirely dependent on the Applicant for care and support. His continued detention is causing irreparable hardship to his family.

4. *Per Contra*, Mr. Ajay Vikram Singh, APP for the State, opposes the bail application and submits the following:

4.1. The allegations against the Applicant are grave, serious, and pertain to a sustained pattern of sexual exploitation, financial extortion, and criminal intimidation. The FIR discloses that the Applicant gained the confidence of the Complainant under the guise of marriage through a matrimonial platform and thereafter committed non-consensual sexual acts and systematically extorted large sums of money from her over a prolonged period.

4.2. During the course of investigation, the Applicant was arrested from Mumbai and it was revealed during custodial interrogation that he had received money from other women on similar pretences, indicating a clear *modus operandi* and a recurring pattern of exploitation.

4.3. Another victim has come forward during supplementary investigation,



indicating a pattern of indulging in similar offences. As other victims and witnesses are yet to be examined, there is a serious apprehension of witness tampering if the Applicant is released on bail.

4.4. The Applicant's mobile phone was sent to FSL Rohini, and a pendrive containing voice recordings of him demanding money and issuing threats was seized. These, along with bank records and witness statements, establish a *prima facie* case of extortion against the Applicant.

5. The Court has duly considered the rival submissions and the material on record. While evaluating a bail application, the Court must consider several factors, including whether there is a *prima facie* case or reasonable grounds to believe the accused has committed the offence, the likelihood of the accused repeating the offence, the nature and seriousness of the accusation, the severity of the potential punishment upon conviction, the risk of the accused absconding or fleeing if granted bail and the reasonable apprehension of witnesses being intimidated by the accused.

6. The allegation of sexual assault relates to an incident of 11th June, 2022, whereas the FIR was instituted only on 11th January, 2025, nearly three years later. It is also revealed that notwithstanding this alleged assault, the Complainant continued her relationship with the Applicant on the assurance of marriage. While such delay in registration of an FIR, coupled with continued interaction between the parties, *prima facie* dents the immediacy and spontaneity ordinarily expected in reporting such an allegation, the law is equally cognisant of the psychological and social realities of sexual offences. Victims may remain silent for considerable periods due to trauma, stigma, or fear of reprisal, and such delay cannot, by itself, discredit the allegation. At this stage, therefore, the Court refrains from making any final opinion on the



issue and leaves the matter to be tested during trial observing that the Petitioner's contentions regarding the nature of relationship between the parties have *prima facie* merit.

7. However, what assumes significance is the canvas of the allegations. It is noted that apart from the alleged incident of sexual assaults, the chargesheet also reflects substantial transfers of unexplained funds from the Complainant to the Applicant over a period of time. These transactions are not isolated and are corroborated by seized audio recordings, in which the Applicant is heard using abusive language, issuing threats, and demanding further sums under duress from the Complainant. The material suggests that the financial exploitation was not incidental but sustained, coercive, and accompanied by intimidation.

8. Notably, the Investigating Officer has pointed out that during further investigation another woman has come forward with similar allegations, asserting that the Applicant extracted a sum of INR 20,00,000/- from her and established physical intimacy on the false promise of marriage. The emergence of such a second complainant points towards a discernible pattern with a consistent *modus operandi* wherein the Applicant allegedly gains the confidence of women under the guise of matrimony and thereafter, subjects them to financial and personal exploitation.

9. The Prosecution is in the process of filing a supplementary chargesheet on the basis of statements from additional witnesses who have also alleged being victimised by the Applicant in a manner strikingly similar to the present case. At this juncture, the possibility of the Applicant seeking to approach, influence, or intimidate such witnesses cannot be ruled out. Such interference would not only undermine the integrity of the pending investigation but also



obstruct the course of justice. It must be underscored that under Section 483 BNSS (corresponding to Section 439 Cr.P.C), the Court, while considering bail, is duty-bound to weigh the likelihood of the accused tampering with the witnesses.

10. In ***Bhagwan Singh v. Dilip Kumar alias Deepu alias Deepak and Anr.***,⁴ the Supreme Court has reiterated that the grant of bail is not a matter of right but a discretionary relief, to be exercised judiciously and on a careful appraisal of the attending facts and circumstances. The relevant extracts of the aforementioned judgment are as follows:

“11. The grant of bail is a discretionary relief which necessarily means that such discretion would have to be exercised in a judicious manner and not as a matter of course. The grant of bail is dependent upon contextual facts of the matter being dealt with by the Court and may vary from case to case. There cannot be any exhaustive parameters set out for considering the application for grant of bail. However, it can be noted that:

11.1. While granting bail the court has to keep in mind factors such as the nature of accusations, severity of the punishment, if the accusations entail a conviction and the nature of evidence in support of the accusations.

11.2. Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the Court in the matter of grant of bail.

11.3. While it is not accepted to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought to be always a prima facie satisfaction of the Court in support of the charge.

11.4. Frivolity of prosecution should always be considered and it is only the clement of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to have an order of bail.”

[Emphasis Supplied]

11. In view of the foregoing principles, the gravity and seriousness of the

⁴ 2023 INSC 761.



allegations, the current stage of investigation, and the attendant risk of witness tampering, this Court finds no compelling reason to grant bail to the Applicant. Accordingly, the bail application stands dismissed.

12. 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.

SANJEEV NARULA, J

AUGUST 29, 2025/as