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

+ **BAIL APPLN. 1684/2025**

ADITYA KR @VICKY

.....Applicant

Through: Mr. Ikrant Sharma and
Ms. Ira Arora, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Kiran Bairwa, APP
for the State with SI Pooja,
PS Bhalswa Dairy.
Mr. Rahul Sharma, Mr.
Mukesh Kumar, Mr.
Utkarsh Jaiswal and Mr.
Rama Jaiswal, Advocates
for the complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

21.05.2025

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1. The present application is filed seeking pre-arrest bail in FIR No. 238/2025 dated 09.04.2025, registered at Police Station Bhalswa Dairy, for offences under Section 69 of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and Section 4 of the Dowry Prohibition Act, 1961.

2. The present FIR was registered on a complaint made by the complainant, alleging that the applicant made physical relations with her on the false pretext of marriage and also made indecent videos in his phone. It is alleged that the applicant later demanded ₹1 crore as dowry from the complainant and refused to marry her for not coming from an affluent family.

3. It is alleged that the after their engagement on 26.01.2025, the applicant repeatedly took the complainant to various places in



his car, coercing her into sexual acts. On 28.02.2025, the applicant allegedly took the complainant to Murthal to eat food, when he stopped his car on the way and gifted the complainant a phone. It is alleged that he forced the complainant to establish physical relations with him and made her perform oral sex on him and recorded the same on his phone, claiming to save the video as memories.

4. It is alleged that on 25.03.2025, the applicant refused to marry the complainant. It is alleged that applicant's parents demanded ₹1 crore from the complainant, and upon being confronted by the complainant, he stated that he had used her to have fun and threatened to upload the videos on social media and make them viral if she filed a complaint.

5. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He submits that the FIR has been filed with a delay of 15 days and is an afterthought.

6. He submits that the complainant has been materialistically pressurising the applicant to buy her an iPhone and a diamond ring, and therefore he decided to withdraw from the marriage.

7. He submits that the family of the complainant demanded a sum of ₹15,00,000/- for settling the matter or they would file false dowry and rape cases against the applicant.

8. He submits that the complainant is a self-reliant individual working as a teacher by profession, which reflects her ability to understand the nature and consequences of her actions.

9. The learned Additional Public Prosecutor for the State and the counsel for the complainant vehemently oppose the grant of



any relief to the applicant. They submit that the applicant has not cooperated in the investigation and has still not provided the phone containing the indecent videos of the complainant.

10. The present case is one where the parties had known each other.

11. It is the case of the complainant that the applicant was introduced to the family of the complainant through one person namely– Subodh Kumar Jha, who was known to the complainant’s brother in-law, as a potential match for the complainant. Concededly, it was the complainant’s own relative through whom the parties had been brought together.

12. It is not disputed that the families of the parties had arranged their marriage and made preparations thereof. Perusal of the FIR reveals that the complainant’s parents had even booked the venue, got the cards printed and made other preparations for the purpose of the wedding.

13. It is pointed out by the learned counsel for the applicant that the applicant had also booked tickets for their honeymoon, and the same have been placed on record.

14. The fact that the complainant went out with the applicant on multiple occasions and accepted gifts from him, the possibility of sharing consensual relations cannot be ruled out. At this stage, it cannot be said with certainty that the applicant established sexual relations without any intention to marry the complainant when even as per the prosecution the families were making arrangements for their marriage.



15. Undisputedly, committing sexual assault on a girl is a serious offence. At the same time, not marrying the girl or withdrawing from a marriage due to the fact that the girl is not affluent, may be morally and ethically incorrect, it cannot, however be the sole ground for attracting the penal provisions as alleged in the present case.

16. Even otherwise, this Court is only considering the application for bail of the applicant. The allegation and the defence can adequately be considered after the evidence is led.

17. It is not in doubt that an order for grant of pre-arrest bail cannot be passed in a routine manner so as to allow the accused to use the same as a shield. At the same time, it cannot be denied that great amount of humiliation and disgrace is attached with the arrest.

18. Although the learned APP for the State has raised the issue that the applicant has not cooperated in the investigation and has not provided his phone containing the indecent video of the complainant, however, perusal of the status report reveals that the applicant has joined the investigation on 23.04.2025, 01.05.2025 and 03.05.2025 and has produced his mobile phone, however the complainant has refused to identify the same. In such circumstances it does not appear that the applicant is not cooperating with the investigation.

19. The purpose of custodial interrogation is to aid the investigation and is not punitive. In cases where the accused has joined the investigation, he is cooperating with the Investigating Agency and is not likely to abscond, the custodial interrogation should be avoided.



20. The applicant is stated to be a young boy with no criminal antecedents. No purpose would be served by subjecting him to custodial interrogation.

21. 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 ₹25,000/- with one surety 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 boundaries of 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 not contact the victim or any of her family members;
- e. The applicant shall not reside within 5 km radius of the residence of the victim and shall also furnish proof of his residence to the concerned IO;
- f. The applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;

22. 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.

23. 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.

24. The application is allowed in the aforementioned terms.

MAY 21, 2025

AMIT MAHAJAN, J