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IN THE HIGH COURT OF DELHI AT NEW DELHI

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**BAIL APPLN. 1677/2025 & CRL.M.A. 13294/2025 EXEMPTION
FROM FILING STATUS REPORT, CRL.M.A. 13295/2025
EXEMPTION FROM FILING CERTIFIED COPIES ETC.**

PRADEEP

.....Petitioner

Through: Mr. George Tomes, Ms. Aradhana
Singh, Ms. Khushboo George & Ms.
Cheryl Mathew, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Tarang Srivastav, APP
Mr. Mohd. Faruq, Adv. along with
prosecutrix

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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25.09.2025

1. The present application under Section 483 BNSS [Section 439 Cr.P.C.] read with Section 528 BNSS [Section 482 Cr.P.C.] has been filed by the petitioner seeking regular bail in case FIR No. 0943/2024 registered at Police Station Bhalswa Dairy under Sections 376/384/506 IPC.
2. The prosecution case, in brief, is that FIR was lodged on 24.11.2024 on the complaint of the prosecutrix who alleged that she was known to the petitioner for the last several years and that the petitioner lured her into physical relationship with him on the pretext of marriage. It is further alleged that the petitioner subsequently coerced the prosecutrix by threatening to circulate her objectionable photographs and videos, and also demanded a ransom of Rs.10 lakhs from her.
3. The petitioner was arrested on the same day and has remained in custody since then. Investigation has since been completed and chargesheet



under Sections 376/384/506 IPC has been filed before the learned Trial Court.

4. The petitioner's application for regular bail was dismissed by the learned ASJ, Rohini Courts, Delhi [trial court] vide order dated 07.04.2025, primarily on the ground of seriousness of the allegations and the supporting statements of the prosecutrix under Sections 161 and 164 Cr.P.C. Being aggrieved, the petitioner has filed the present bail application.

Submissions on behalf of the Petitioner

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is urged that the relationship between the petitioner and the prosecutrix was consensual in nature and had continued for several years. The prosecutrix herself, in her earlier statements, admitted to a pre-existing relationship with the petitioner which is in contradiction to the allegation of forcible sexual assault committed by the petitioner. Ld. counsel further points out that the prosecutrix initially declined to undergo internal medical examination, thereby raising doubt regarding the availability of corroborative medical evidence. It is submitted that the allegation of extortion is unsupported by any independent material, since no recovery or documentary proof of demand of money has been brought on record.

6. Ld. counsel also emphasizes that the FIR has been lodged belatedly after a long-standing association between the parties, which casts doubt on the veracity of the complaint. It was argued that the prosecutrix was well aware of the marital status of the applicant, and yet maintained a voluntary relationship with him. The sequence of events demonstrates that the present



FIR is a result of the petitioner's refusal to marry the prosecutrix rather than any act of forcible assault.

7. The petitioner has been in custody for almost 10 months, has clean antecedents, is a permanent resident of Delhi, and there is no likelihood of him absconding or tampering with the evidence. Since the investigation stands concluded and the charge-sheet has been filed, his further detention would amount to violation of his fundamental right under Article 21.

8. Reliance is placed on a catena of judgments of the Hon'ble Supreme Court including ***Sanjay Chandra v. CBI (2012) 1 SCC 40*** and ***Nitish Adhikary v. State of West Bengal (SLP Crl. 5679/2022)***, to contend that prolonged incarceration offends the mandate of Article 21 of the Constitution and that "bail is the rule and jail is the exception".

Submissions on behalf of the State

9. *Per contra*, learned APP for the State, assisted by counsel for the complainant, opposes the bail application of the petitioner. It is submitted that the allegations are grave and heinous, involving repeated sexual assault, blackmail, extortion and intimidation. The prosecutrix has consistently supported the prosecution version in her statements recorded under Sections 161 and 164 Cr.P.C., and her testimony would be crucial during trial.

10. It is emphasized that the applicant, despite being married and having a child, misrepresented himself and exploited the prosecutrix emotionally and physically. Reliance is placed on the transcript of a phone call between the petitioner and the prosecutrix which clearly shows the petitioner intimidating the prosecutrix.



11. The State further contended that the petitioner continues to be in possession of the prosecutrix's obscene photographs and videos, and his release on bail would expose the prosecutrix to intimidation and coercion, and pose a serious risk of tampering with evidence. It is urged that the trial has not yet commenced and releasing the petitioner at this stage would hamper the trial. The State, therefore, prays for dismissal of the application.

Court Reasoning & Analysis

12. The Court has heard the arguments addressed by learned counsel for the respective parties and has perused the material on record.

13. The law relating to grant of bail in serious offences, particularly those involving allegations of rape and intimidation, is well settled. While personal liberty is a fundamental right under Article 21 of the Constitution, it must be balanced against the seriousness of the allegations, the nature of evidence, and the risk of tampering with the evidence or intimidating witnesses [*State of U.P. v. Amarmani Tripathi, (2005) 8 SCC 21*].

14. In the present case, the allegations go beyond a mere breach of promise to marry. The material on record discloses incidents of coercion, threats, blackmail and extortion advanced against the prosecutrix. The prosecutrix's statements under Sections 161 and 164 Cr.PC clearly assert that the petitioner exploited her by repeatedly forcing himself upon her, demanded money, and threatened to ruin her reputation by making her obscene pictures/videos go viral. Such allegations, at this stage, cannot be brushed aside.

15. The contention of the petitioner that the relationship was consensual and that the prosecutrix was aware of his marital status, is a matter of trial.



For the purpose of bail, what assumes significance is that the prosecutrix has consistently stated that her consent was obtained through false promise of marriage and that she was intimidated and threatened by the petitioner.

16. It is trite law that the testimony of the prosecutrix, if credible, does not require corroboration and can form the sole basis for conviction as held in ***State of Punjab v. Gurmit Singh, (1996) 2 SCC 384***. At this stage, her consistent statements provide *prima facie* grounds to proceed against the petitioner.

17. The apprehension of intimidation is genuine. The petitioner allegedly possesses the prosecutrix's private images and videos. His release at this stage may expose her to renewed threats and coercion, thereby impeding a fair trial. In the present case, the allegations involving criminal intimidation and extortion, carry additional gravity.

18. The trial is at an initial stage and the statement of the prosecutrix is yet to be recorded. The allegations are of intimidation, and extortion, which directly affect the safety, dignity and mental well-being of the prosecutrix. In view of the gravity of allegations, the petitioner's conduct of intimidating the prosecutrix and the real possibility of tampering with evidence, this Court finds no ground to enlarge the petitioner on bail at the present stage.

19. The bail application is accordingly dismissed.

20. Nothing stated herein shall tantamount to be an expression on the merits of the case and any observations made are only for the purpose of deciding the present bail application.

RAVINDER DUDEJA, J

SEPTEMBER 25, 2025/AK