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

+ **BAIL APPLN. 1670/2025**

AMIT RAJPUT

.....Petitioner

Through: Mr. Harshit Jain, Mr. Rahul Kumar,
Mr. Shubham Singh, Mr. Prakhar
Sharma, Dr. S.K. Yadav, Advocates

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for the State
along with SI Ambika and SI
Lalchand, PS SB Dairy
Ms. Inderjeet Sidhu (DHCLSC) for
R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

13.08.2025

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1. The present application filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of
Criminal Procedure, 1973²) seeks regular bail in FIR No. 905/2024 dated
20th December, 2024, registered under Sections 354, 354A, 354C, 376 and
506 of the Indian Penal Code, 1860³ at P.S. Shahbhad Dairy. A chargesheet
was also filed in the said FIR against the Applicant under Sections 354,
354A, 354C, 376(2)(n) and 506 IPC. The Applicant's earlier bail application

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



before the concerned Court was dismissed as withdrawn by order dated 21st January, 2025. Subsequently, after completion of investigation and filing of chargesheet, the Applicant moved another application for bail before the Trial Court, which was dismissed by order dated 21st April, 2025 passed by ASJ, Special FTC (North), Rohini Courts, Delhi.

FACTUAL MATRIX

2. The subject FIR was registered on a complaint lodged by Respondent No. 2 (the Complainant) alleging that the Applicant had sexually exploited her on the false pretext of marriage and, in the course of such exploitation, had taken objectionable photographs and videos to threaten and coerce her. The case of prosecution, emerging from the FIR and the chargesheet is summarised as follows:

2.1. The Complainant came in contact with the Applicant through social media. He later called her to Sector 11, Green Park Belt, and made her have some coffee and cold drink, and thereafter made physical advances towards her. When she resisted, the accused professed his love and expressed a desire to marry her.

2.2. The parties stayed in contact through messages and calls. On 22nd March, 2023, her birthday, the Complainant claims she was invited by the Applicant to an OYO hotel in Rohini, where, after having snacks she became semi-conscious, and the Applicant sexually assaulted her. It is alleged that he took objectionable photographs and videos during this incident. He also threatened her not to disclose anything about the incident or else he would make those photographs and videos public and reiterated his intention to marry her. The Complainant refused to meet him again but he threatened her that he would make her photographs and videos public.



2.3. Thereafter, under threat and coercion, the Complainant met the Applicant on some occasions at the same hotel and later at other locations, during which he is alleged to again have taken photographs and videos of her, the existence of which the Complainant learnt only subsequently.

2.4 In December, 2023, when the Complainant's family began searching for a marriage alliance for her, she informed the Applicant, who kept delaying marriage on various pretexts. Thereafter, while visiting Mukundpur, she saw the Applicant with his wife and two children. Upon confronting him about his marital status, the Applicant admitted he was married and stated he would "keep her too" but could not marry her.

2.5 The Complainant thereafter broke off contact with the Applicant and told him not to call or meet her again. On 3rd March, 2024, the Complainant married "V" and got involved in her married life.

2.6 However, in April-May 2024, the Applicant again contacted the Complainant and persuaded her to meet him 'one last time'. Trusting his assurance, she agreed, whereupon he showed her the earlier objectionable photographs and videos on his phone and threatened to send them to her husband unless she accompanied him to the same hotel.

2.7 The Complainant alleges that she was then forcibly taken to the hotel, sexually assaulted, and then the Applicant again made objectionable images and videos of her. She claims that after her refusal to continue contact, the Applicant sent some of these materials to her husband.

2.8 The Complainant was medically examined at MV Hospital, Pooth Khurd, and the findings were recorded in MLC No. 7336/24. The doctor noted an alleged history of sexual assault approximately 1.5 years earlier, as narrated by the Complainant, and recorded that her b/b and UPT tests were



negative. Thereafter, FIR No. 905/2024 was registered at P.S. Shahbad Dairy.

2.9 Her statement under Section 183 BNSS was thereafter recorded, in which she reiterated the allegations made in her complaint. The Investigating Officer visited the alleged place of incident [OYO Hotel, Relax Inn] and, at the Complainant's instance, prepared a site plan. The IO also sought the original hotel records for the year 2023-24 from the person present at the reception; however, owing to the lapse of time, the CCTV footage was no longer available.

2.10 On 26th December, 2024, a notice under Section 35(3) BNSS was served upon the Applicant, pursuant to which he was brought to the police station for questioning. According to the prosecution, he confessed to the crimes, following which he was arrested and his family was informed. On 27th December, 2024, he was produced before the JMFC, Rohini, who granted one day's police custody remand.

2.11 During police custody, the Applicant allegedly guided them to OYO Hotel, Relax Inn, as well as another hotel, Golden Key (now closed), as locations connected with the alleged incidents. However, no records relevant to the occurrences were found in the hotel registers. The Applicant was also medically examined, and the potency test did not reveal any incapacity for sexual activity.

2.12 Notices under Section 94 BNSS were issued to the Applicant's father and to the Complainant for production of their respective mobile phones. The Applicant's father produced an iPhone 14, which, upon inspection, contained no photographs of the Complainant. The same was seized. The Complainant also produced her phone, which likewise contained no such



material and was seized. The Applicant's phone has been sent for forensic examination, and the report is awaited.

2.13 The Complainant's husband joined the investigation on 3rd January, 2025, and produced his mobile phone, which was found to contain certain photographs and videos depicting the Complainant and the Applicant in close physical proximity. The device was seized for further examination.

SUBMISSIONS

3. Counsel for the Applicant urges the following grounds in support of the Application:

3.1. The Applicant has been falsely implicated in the subject FIR. The allegations in the present FIR pertain to an alleged sexual relationship between the Applicant and the Complainant. However, as per the Complainant's own statement, she and the Applicant allegedly came into contact in January 2023, continued to meet on multiple occasions, and remained in regular contact over the phone. The nature and duration of such alleged interactions, if assumed to be correct, are inconsistent with the Prosecution's case of forcible sexual assault.

3.2. No objectionable or obscene photographs or videos of the Complainant have been recovered from the Applicant's mobile phone, which was duly seized during the investigation. In the absence of such material, the allegation that the Applicant blackmailed the Complainant by threatening to circulate such content is rendered baseless.

3.3. The alleged locations of the incidents, including the hotels referred to in the FIR, could not be corroborated during investigation. The records of the concerned hotels for the relevant period do not reflect any booking or entry showing the presence of the Applicant with the Complainant. This



absence of corroborative evidence substantially weakens the Prosecution's case.

3.4. There is an inordinate and unexplained delay in lodging of the FIR. The first alleged incident is stated to have occurred on 22nd March, 2023, yet the FIR was registered on 20th December, 2024. The FIR was filed only after the Complainant's marriage, which took place on 3rd March, 2024. It is pertinent that the allegations surfaced in December 2024, more than nine months after the marriage, and nearly twenty-one months after the first alleged incident. The timing of the complaint raises serious doubts as to the motive behind its filing, particularly when viewed against the background of her matrimonial circumstances.

3.5. The present complaint is driven by personal motives rather than any genuine incident of sexual assault. The material on record suggests that the Complainant's husband became aware of certain 'friendly photographs' of the Complainant and the Applicant, whereupon the Applicant has been made a scapegoat in order to deflect attention from the Complainant's own matrimonial issues and salvage her reputation. This is evident from the fact that divorce proceedings have been initiated by the husband wherein he claims to have found some photographs of the Complainant and the Applicant from her phone. Moreover, in her statement under Section 183 BNSS, the Complainant herself states that her husband had been harassing her and using her photographs to tarnish her reputation. The sequence of events thus suggests that the allegations were concocted only after matrimonial discord arose.

3.6. There are inconsistencies in the Complainant's version regarding the alleged transmission of photographs and videos. In the complaint, she has



alleged that the Applicant sent such material to her husband. However, in her statement under Section 183 BNSS, she has stated that her husband obtained those photographs from her own phone. It is submitted that this material contradiction further undermines the credibility of the allegations.

4. On the other hand, Mr. Mukesh Kumar, APP for the State, and Ms. Inderjeet Sidhu, counsel for the Complainant, strongly oppose the grant of bail on the following grounds:

4.1. The Applicant is involved in a grave and heinous offence punishable under Section 376 IPC, apart from other serious charges.

4.2. Photographs, of the Applicant and the Complainant, though not obscene, have been recovered from the mobile phone of the Complainant's husband, which were allegedly sent to him by the Applicant. This corroborates the Complainant's version that the Applicant had been blackmailing the Complainant through the use of such images.

4.3. The forensic analysis of the Applicant's mobile phone is still pending and is expected to be a crucial piece of evidence, potentially including the recovery of the alleged obscene photographs. It is contended that the application for bail should be considered only after the Forensic Science Laboratory report is received.

4.4. The statement of the Complainant has been deferred pending receipt of the FSL report. It is urged that releasing the Applicant on bail at this stage would jeopardise the integrity of the trial, as there exists a serious apprehension that he may influence or intimidate the Complainant and other witnesses.

ANALYSIS

5. The Court has considered the rival submissions and perused the



material placed on record. In the absence of any scientific evidence at this stage, the prosecution case rests substantially on the statement of the Complainant. It is well-settled that in cases of sexual offences the sole testimony of the prosecutrix, if found credible and trustworthy, may be sufficient to sustain a conviction. However, such an assessment is a matter for trial. At this stage, the Court is confined to *a prima facie* evaluation of the available material. A reading of the Complainant's statement under Section 183 BNSS reveals that she has admitted to having been in a relationship with the Applicant since January 2023.

6. It is further pertinent to note that the first alleged incident, as per the prosecution, occurred on 22nd March, 2023, whereas the FIR was registered only on 20th December, 2024, nearly twenty-one months later, and more than nine months after the Complainant's marriage on 3rd March, 2024. The record further indicates that the Complainant and the Applicant continued to remain in contact for a considerable period following the alleged incident. No cogent explanation has been offered for this inordinate delay in lodging the FIR. While the law recognises that delay in reporting sexual offences may be explained by factors such as trauma, fear, or societal pressure, in the facts of the present case, the prolonged and unexplained delay, coupled with the continued association between the parties, *prima facie* reduces the evidentiary weight of the allegations at the stage of considering bail.

7. Further, the Complainant's statement under Section 183 BNSS, when read in conjunction with the prolonged delay in lodging the FIR, *prima facie* suggests that the nature of the association, if any, bore elements of a consensual relationship. This inference arises particularly from the allegation of repeated meetings over an extended period, rather than a single,



isolated incident of coercion.

8. The prosecution's case refers to certain alleged incidents having taken place at certain OYO hotels. However, the investigation has not yielded any hotel records or other contemporaneous material capable of corroborating these allegations.

9. As regards the allegations involving objectionable photographs of the Complainant, concededly, the investigation so far has not revealed any obscene photographs or videos of the Complainant, from the Applicant's mobile phone, which was duly seized. The only recovery allegedly made, has been from the mobile phone of the Complainant's husband, and those photographs, by the prosecution's own showing, are not obscene but merely depict the Complainant and the Applicant in close physical proximity. In the absence of any such objectionable material at this stage, the allegation of blackmail through obscene photographs is, at least *prima facie*, rendered doubtful.

10. Moreover, as pointed out by the counsel for the Applicant, there exists a material inconsistency in the Complainant's account regarding the transmission of the alleged photographs. In the initial complaint, she alleged that the Applicant had sent them to her husband, whereas in her statement under Section 183 BNSS, she stated that her husband had obtained them from her own phone. Such inconsistency, at this stage, *prima facie* casts a doubt on the veracity of the allegation.

11. Counsel for the Applicant has also drawn attention to the fact that the Complainant's husband has instituted divorce proceedings against her, in which allegations have been made regarding her association with another person. A certified copy of the divorce petition (HMA No. 104/2025) has



been placed on record. While the merits of those proceedings are not for this Court to examine at this stage, a perusal of the petition indicates the existence of matrimonial discord between the Complainant and her husband, which may have some bearing on the circumstances in which the present FIR was lodged. It is further pointed out that certain photographs of the Complainant and the Applicant, allegedly recovered from the Complainant's own phone, have been annexed to the divorce petition by her husband. These photographs do not appear to be obscene and, *prima facie*, do not lend support to the allegations made by the Complainant in the present case.

12. Mr. Mukesh Kumar and Ms. Inderjeet Sidhu, emphasise that the FSL examination of the Applicant's mobile phone is pending and the request for bail may be considered after such examination is concluded and a report is received. In the opinion of the Court, the pendency of such examination, by itself, cannot be a ground to prolong the incarceration of the Applicant, particularly when the trial is underway and the issue before this Court is confined to the question of grant of bail.

13. It is noted that, as per the latest nominal roll dated 9th July, 2025, the Applicant has undergone 5 Months, 28 Days in custody as on 24th June, 2025 and his conduct in jail is satisfactory. Further, there are no criminal antecedents or pending cases against the Applicant.

14. In view of the foregoing discussion, and without commenting on the merits of the case, this Court is of the opinion that the Applicant has made out a case for grant of bail. The material on record, the prolonged and unexplained delay in lodging of the FIR, absence of corroborative evidence at this stage, inconsistencies in the Complainant's version, and the nature of the association between the parties as reflected in the statements,



cumulatively weigh in favour of granting bail.

15. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of INR 50,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c. The Applicant shall not contact the victim or any of her family members;
- d. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- e. The Applicant shall appear before the Trial Court as and when directed;
- f. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- g. The Applicant shall not reside within 3 km radius of the residence of the victim and shall also furnish proof of his residence to the concerned IO. The Applicant shall also not move in the vicinity of the victim in any manner.
- h. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
- i. The Applicant shall report to the concerned PS on first, second and



fourth Friday of every month;

16. 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.

17. 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 13, 2025/MK