



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

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Reserved on: 2nd July, 2025
Pronounced on: 9th July, 2025

+ **BAIL APPLN. 2031/2025, CRL.M.(BAIL) 1177/2025**

MANOJ GUPTA

S/o- Late Sh. Radhe Shyam Gupta

R/o-G-25, Top Floor, Gali No.2,

Sadh Nagar, Palam Colony, New Delhi

.....Petitioner

Through: Mr. Jaspreet Singh Rai, M.r Sukndeeep
 Kaur Rai, M.r Ankur Singh and Mr.
 Devinder Singh, Advocates.

versus

1. STATE NCT OF DELHI

Through SHO

PS: Dwarka North

.....Respondent No. 1

2. Ms. X

(The Complainant)

.....Respondent No.2

Through: Mr. Shoaib Haider, APP for the State
 with SI Puja Saini P.S. Dwarka North.
 Mr. Rishikesh Kumar and Mr. Aman
 Kumar, Advocates for the Victim.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Bail Application under Section 483 of the Bharatiya Nagarik Surkasha Sanhita, 2023 (*hereinafter referred to as "B.N.S.S"*) has been filed on behalf of the Applicant, Manoj Gupta in FIR No. 82/2025 under Sections



64(1)/74/75/351(3)/115(2) of Bharatiya Nyaya Sanhita, 2023 (*hereinafter referred to as "B.N.S."*) registered at Police State Dwarka North.

2. It is stated in the Application that the Petitioner is in custody since 15.03.2025.

3. ***It is the case of the Applicant/Accused*** that the Complainant is a well-educated woman, who is a divorcee and runs an NGO. They were introduced to each other by one Kanchan, a distributor associated with the NGO of the Complainant. It is stated that the Complainant had approached the Applicant as he was involved in social work, and she was running an NGO. The Complainant then invited the Applicant to collaborate with her in the activities of the NGO, and the Applicant agreed to work with her and was in contact with her since 2023..

4. The Complainant had conveyed to the Applicant that she was facing some issues with her husband and sought assistance in obtaining a divorce. Thereafter, the Applicant, as a good gesture, started extending his support and on multiple occasions, paid a substantial sum of money to the Complainant.

5. In January 2024, the Complainant visited the Applicant at his residence in Palam Colony and expressed her desire to sell her Flat and induced the Applicant into purchasing the said property. Thereafter, on 26.03.2024, the Applicant transferred a sum of Rs. 26,00,000/- via RTGS and paid Rs. 3,00,000/- in cash.

6. On 29.02.2024, the Complainant visited the Applicant's house and signed Bayana Receipts for the agreed total sale consideration of Rs. 33,00,000/-. After receiving the entire amount, the Complainant handed over



the original documents of the property and assured that the Sale Deed would be executed shortly.

7. It is submitted that the Complainant started asking for money from time to time from the Applicant, as he was emotionally vulnerable, having himself been separated from his wife and having lost a 25-year-old son. The Complainant used to ask for money in the name of registry of a new Flat, furniture, gadgets for children, personal expenses, and the Applicant used to fulfil such demands from time to time.

8. After some time, the Applicant started asking the Complainant to finalize the registry of the sale of her house and return the money which she had taken. It is submitted that instead of returning the money, the Complainant threatened him to falsely implicate him in a frivolous criminal case by misusing her connections.

9. Upon such behaviour of the Complainant and refusal to return the money, the Applicant filed a *Criminal Complaint* dated 19.08.2024 which was received by the Police PS Palam Villageon 20.08.2024. *FIR No. 628/2024 dated 31.10.2024 under Section 420 IPC* was registered on his Complaint.

10. Thereafter, a Complaint dated 19.08.2024 was filed by the Complainant against the Applicant, which resulted in the registration of *FIR No. 606/2024* under Sections 74/351BNS, 2023, at PS Dabri. It is submitted that *FIR No. 606/2024* pertains to an incident of August 2024 and the complaint was filed on 25.09.2024, which is after a delay of more than 20 days.



11. It is submitted that the Applicant then moved an Anticipatory Bail application in **FIR No. 606/2024**, which was dismissed by the Ld. Sessions Judge, Dwarka Courts, New Delhi.

12. The Complainant also moved an application for Anticipatory Bail before the Ld. Sessions Judge, Dwarka Courts, New Delhi in **FIR No. 628/2024**.

13. It is submitted that during the pendency of the said Anticipatory Bail application, the Complainant expressed her desire to amicably settle the dispute and accordingly approached the Applicant. The Complainant made a statement before the Ld. Sessions Judge that she had paid a sum of Rs. 9,00,000/- to the Applicant and handed over a WagonR car and jewellery. The Court directed the I.O. to verify the claim, who stated that the payment of Rs. 9,00,000/- was made towards the purchase of a property through a registered Deed dated 19.03.2024 and therefore, the Complainant made a false submission in order to mislead the Ld. Court and the I.O.

14. It is submitted that during the pendency of the Anticipatory Bail Application, the Complainant entered into a *settlement* and handed over multiple cheques to the Applicant and issued an NOC dated 11.02.2025 for the registration of the property that was agreed to be sold by the Complainant to the Applicant. ***Therefore, the allegations levelled against the Applicant are completely false and frivolous.***

15. The Applicant had earlier moved a Bail Application in the present FIR No. 82/2025, which was dismissed vide Order dated 28.03.2025. Thereafter, the Applicant preferred a Bail Application before this Court, which was dismissed as withdrawn vide Order dated 01.05.2025.



16. The Applicant has filed another Bail Application before the Ld. Sessions Court which has been dismissed by Ld. ASJ, vide Order dated 19.05.2025. on the ground of the gravity of the offence and specific allegations against the Accused

17. The ***present Bail Application has been filed on the grounds*** are that the Complainant has lodged a false, frivolous, and concocted Complaint against the Applicant, wherein baseless allegations of rape, assault, and outraging the modesty have been levelled against the Applicant. The present Complaint has been filed with an ulterior motive to settle personal scores with the Applicant. The Complaint has been filed with an unexplained delay of 20 days, which clearly indicates that it is a calculated attempt to blackmail and pressurize the Applicant into settling the ongoing legal disputes between the Complainant and the Applicant.

18. It is submitted that the Complainant has a history of filing false and frivolous Complaints, which is evident from the WhatsApp chats. The chats clearly establish that the Complainant was in constant contact with the Applicant and regularly demanded money from him on one pretext or another. The Complainant has alleged that the Applicant was involved in illegal and uncivilized activities at the NGO for a long time and that such activities allegedly increased during the month of August 2024. However, a bare perusal of the WhatsApp chats between them, reveals that during the same period, the Applicant had started demanding the return of his money from the Complainant.

19. It is submitted that the *WhatsApp chats reveal that the Applicant and the Complainant were in regular, friendly communication, discussing*



general matters and even expressing affection towards each other. The Complainant has also emotionally exploited the Applicant and extracted money from him for various purposes.

20. It is submitted that there are multiple Complaints on record against the Complainant, wherein it has been alleged by several individuals that she has been involved in honey-trapping unsuspecting persons.

21. It is submitted that it was the Complainant who had called the Applicant for a meeting at Radisson Hotel under the pretext of settling the dispute amicably and the entire act was premeditated and planned by the Complainant. When the Complainant realized that she had no legitimate way to avoid her liabilities, she induced the Applicant into meeting her and thereafter, in a planned manner, falsely implicated the Applicant by registering the present FIR. *Therefore, it is prayed that the Applicant may be granted Bail.*

22. ***Status Report has been submitted in the Court on behalf of the Respondent/State*** and the facts leading to the filing of the present FIR has been stated. It is further submitted that the Chargesheet in the case has been submitted before the concerned court. *Therefore, it is prayed that the present Bail Application be dismissed.*

23. ***Arguments have been advanced on behalf of the Counsel for the Applicant and the State***, wherein the similar grounds have been taken.

24. ***The Counsel for the Respondent No.2, Complainant*** has also appeared on advance notice and opposed the present Bail Application. The Counsel has stated that the Applicant is trying to mix the facts of two different cases. He further submitted that the Complainant never intended to



sell her house to the Accused, rather took a loan with the intent to return the same. For that purpose, she has mortgaged her property, and admittedly Rs. 29 Lakhs has been taken as a part of that transaction. He also submitted that the relationship between the Accused and the Complainant is purely a business relationship and nothing more.

25. The Counsel further submitted that the Ld. Sessions Court has observed that the Accused is seen slapping the Complainant in the porch of the hotel and on that ground, the Bail of the Accused has been dismissed.

26. *Therefore, the Bail Application made by the Accused/Applicant, may be dismissed.*

27. **Submissions heard and record perused.**

28. ***The case of the Prosecution*** is that the present FIR under Sections 64(1)/74/75/115(2)/351(2) BNS at PS Dwarka North, has been registered on the complaint of Ms. H (*name withheld*), who has alleged sexual assault by the Accused. In her complaint, the Complainant submitted that on 14.02.2025, at around 7:30 PM, she was called to Hotel Radisson Blu, Dwarka, by the Accused for discussing some pending matter/litigation between them. Thereafter, the Accused insisted that they should go to the Spring Restaurant inside the Hotel, where they went. The Accused, instead of discussing the matter, started making inappropriate remarks and pressured the Complainant to stay with him in the hotel. Upon the refusal of the Complainant, the Accused followed her, verbally abused her, slapped her inside the porch area near the exit of the Radisson Hotel and threatened her that he would harm her and her children. Out of fear, the Complainant got into the Accused's vehicle, where he misbehaved with her, forcibly pulled



her dupatta, inappropriately touched her, and attempted to assault her. The Accused then inserted his finger inside her vagina. Instead of taking her home, the Accused diverted the vehicle and further tried to molest her. The Complainant managed to escape when the car halted at a traffic signal, leaving her dupatta behind. On 15.02.2025, the Accused visited her residence and threatened her father and children with dire consequences if she approached the Police. Thereafter, a Complaint was made to the Police, and an FIR was lodged.

29. During the investigation, the site plan was prepared, and the Complainant confirmed the location where she alighted from the car of the Accused. However, no CCTV cameras were installed at that location. MLC of the Complainant was conducted at DDU Hospital vide MLC No. 75 dated 07.03.2025. Statement under Section 183 BNSS was recorded, where she supported her version of the FIR. Upon serving of Section 94 BNSS Notice, the Complainant submitted certified documents, call log screenshots, and a pen drive containing call recordings and CCTV footage, and all these items were duly seized.

30. CCTV footage of the Radisson Blu Hotel, Dwarka was also seized. CCTV footage from Hotel Grand Parrsion, Sector 13 was also seized, where the Complainant and the Accused were seen together in the Accused's car.

31. The Complainant had provided a pen drive containing digital evidence along with a copy of FIR No. 606/2024 u/s 74/351 BNS dated 25.09.2024, PS Dabri, registered against the Accused by the Complainant. The clothes of the Complainant, which she was wearing at the time of the incident, were also seized.



32. The Accused was arrested on 15.03.2025.

33. The Applicant and the Complainant, while working together for the NGO being run by the Complainant, developed some relationship, but after some time, the relationship turned sour, resulting in the present case with the allegations of sexual assault.

34. It is not disputed that both the Applicant and the Complainant have been in touch with each other since 2023. It is also a matter of record that certain civil disputes are pending between the Applicant and the Complainant regarding the sale of the house of the Complainant, for which the Applicant has paid Rs. 29 Lakhs. Thereafter, the Applicant and the Complainant had met at Radisson Blu Hotel, Dwarka, to discuss the ongoing matters. Though it is not admitted as to who was the first one to propose the meeting at the Radisson Blu Hotel, Dwarka; however, what is admitted is that the Complainant left with the Accused in his car after the alleged incident of slapping in the porch.

35. The Applicant has taken a defence that, owing to certain financial transactions between him and the Complainant, he has been falsely implicated in the present FIR.

36. Chargesheet has already been filed in the matter. The veracity of the allegations against the Applicant shall be tried during trial, which is likely to take some time. The Applicant is in judicial custody since 15.03.2025. There is no likelihood of his fleeing or tampering with the witnesses.

37. In the totality of circumstances, the Applicant Manoj Gupta S/o Radhe Shyam Gupta is admitted to bail in the present case on his furnishing



bailbond in the sum of Rs. 35,000/- with one surety in the like amount to the satisfaction of the Trial Court, subject to the following conditions:

- (i) The Applicant shall not misuse the liberty granted to him;
- (ii) The Applicant shall not tamper with any evidence, oral or documentary during the trial;
- (iii) The Applicant shall not go even in the vicinity of the house and workplace of the prosecutrix;
- (iv) The Applicant shall appear before the Trial Court on every date of hearing; and
- (v) That Applicant shall keep the SHO/IO informed about his mobile number and the address.

38. With aforesaid, the present Bail Application and miscellaneous Application(s), if any, are accordingly disposed of.

39. A copy of this Order be communicated to the concerned Court/Jail Superintendent concerned.

(NEENA BANSAL KRISHNA)
JUDGE

JULY 09, 2025

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