



2025:DHC:3459



\$~1

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

% **Date of decision: 06.05.2025**

+ **BAIL APPLN. 2026/2024, CRL.M.B.980/2024**

MOHD DANISH

.....Petitioner

Through: Mohd. Suza Faisal and Mohd.
Kashif, Advs.

versus

THE STATE NCT. OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP
with SI Sachin Kumar Verma,
PS Krishna Nagar

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

SHALINDER KAUR, J (ORAL)

1. By way of the present petition under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 (CrPC) the petitioner seeks the grant of Regular Bail in FIR No. 63/2024 dated 21.01.2024 for offences punishable under Sections 376, 384 and 406 of the Indian Penal Code, 1860 (IPC) and Section 67A of the Information Technology Act, 2000 (IT Act) registered at Police Station Krishna Nagar.

2. As per the prosecution, the aforementioned FIR was lodged on the complaint of the prosecutrix, a 30-year-old woman, who alleged



2025:DHC:3459



that she had been sexually assaulted, blackmailed, and digitally exploited by the petitioner.

3. As per the complaint, the prosecutrix first came in contact with the petitioner in September 2021, when she ordered food through the Swiggy application. The petitioner, who delivered the food, thereby came into possession of her mobile number. In February 2022, the petitioner visited her residence again, this time representing himself to be an agent of the HDFC Bank, seeking to issue a credit card. During this visit, he allegedly took photographs of the prosecutrix under the pretext of requiring them for the card application.

4. Within days, the petitioner is stated to have telephonically threatened the prosecutrix with digital manipulation and publication of the said photographs and coerced her to meet him. Intimidated, the prosecutrix visited the petitioner's flat at 4th Floor, House No. 61, Lane No. 3, East Guru Angad Nagar. There, he allegedly showed her morphed objectionable images and, taking advantage of her vulnerable state, is alleged to have forcibly engaged in sexual intercourse with her. The prosecutrix alleged that she was too frightened to inform her family.

5. The complaint further alleges that the accused continued to exploit the prosecutrix, coercing her into repeated acts of sexual intercourse, sometimes at his flat, and at other times at her own residence, under threats of exposing her images. These acts are stated to have continued through 2022 and 2023.



2025:DHC:3459



6. In January 2024, when the prosecutrix refused to further engage with the petitioner, he allegedly reacted by uploading her photograph on Facebook with the caption “My second hubby,” and sent obscene videos to her sister-in-law through WhatsApp. The petitioner is also stated to have demanded ₹5,00,000 from the prosecutrix’s husband, threatening to make more intimate images and videos viral if his demand was not met.

7. On 21.01.2024, the prosecutrix, accompanied by her husband and cousin brothers, approached PS Krishna Nagar, and the matter was entrusted to SI Neha. After initial counselling via helpline 181, the prosecutrix's statement was recorded. She initially deferred her medical examination but underwent the same on 22.01.2024, where she declined internal examination but disclosed to the attending doctor that she had been subjected to sexual assault.

8. On 23.01.2024, the prosecutrix’s statement under Section 164 of the CrPC was recorded before the learned Metropolitan Magistrate, wherein she reaffirmed the allegations and stated that the petitioner had also taken her laptop and demanded ₹4.80 lakh from her sister-in-law. She further alleged that the accused had illicitly recorded videos of a sexual nature without her consent and was using them to threaten her.

9. The sister-in-law of the prosecutrix also appeared before the Investigating Officer and submitted her Vivo Y16 mobile phone, which contained objectionable photographs and videos sent via WhatsApp by the petitioner, as well as screenshots of threatening



2025:DHC:3459



messages. These items were seized and 71 pages of screenshots were placed on record.

10. During the course of the investigation, the petitioner was arrested on 21.01.2024 and remanded to judicial custody. A Lenovo ThinkPad laptop, stated to be in the possession of the petitioner and allegedly containing obscene material, was recovered from a room in Greater Noida and seized.

11. The mobile phones of the petitioner and of the prosecutrix's sister-in-law, along with the laptops, were sent to FSL, Rohini, for digital analysis. The FSL report, since received, confirms that on 18.01.2024 at 21:52:21 hours, a video file titled "VID-20240118-WA0003.mp4" containing intimate content involving the petitioner and the prosecutrix was transmitted from the accused's mobile number 8700165857 to the prosecutrix's sister-in-law's number 6397322152 via WhatsApp.

12. Further forensic analysis of the said video indicated that it appeared to have been clandestinely recorded using a hidden camera, without the knowledge or consent of the prosecutrix. In light of this, the investigating agency added Section 354C of the IPC to the list of invoked offences.

13. The charge-sheet under Sections 376, 384, 406, 354C of the IPC and Section 67A of the IT Act has since been filed before the concerned Trial Court. The petitioner has remained in judicial custody since his arrest on 21.01.2024.



2025:DHC:3459



14. The petitioner moved an application for Regular Bail before the learned Additional Sessions Judge, Karkardooma Courts, which was dismissed on 30.04.2024. thereby compelling the petitioner to file the present petition.

15. The learned counsel for the petitioner submits that the allegations in the FIR, even if taken at face value, do not *prima facie* disclose the commission of any offence under Sections 376, 384, 406 of the IPC or Section 67A of the IT Act. It is contended that the FIR is the result of a motivated complaint, lodged belatedly at the instance of the prosecutrix's husband, nearly three years after the alleged events.

16. The learned counsel submits that the relationship between the petitioner and the prosecutrix was consensual, spanning over three years, as borne out by extensive WhatsApp conversations, mutual visits, exchange of gifts, and financial transactions.

17. It is further contended that the prosecutrix's statements under Sections 161 and 164 of the CrPC contain material contradictions, particularly with regard to the recovery of the laptop and the timeline of events, and that there are no independent witnesses to support the prosecution case. The chats, when read holistically, are said to evidence a mutual relationship, and not one of extortion or abuse.

18. With respect to the video file sent by the petitioner, it is submitted that the same was neither sexually explicit nor intended for circulation, and does not attract the rigours of Section 67A of the IT Act. The prosecution, it is urged, has selectively relied on isolated portions of the chats, while ignoring material suggestive of consent.



2025:DHC:3459



19. The petitioner, it is submitted, has remained in custody since 21.01.2024, has no prior criminal antecedents, and poses no flight risk. The Charge-Sheet stands filed, the FSL report is already on record, and the material witnesses have been examined. In these circumstances, continued incarceration would be serve no purpose, especially given the likelihood of a protracted trial.

20. Opposing the grant of bail, the learned APP for the State submits that the allegations against the petitioner are of a grave and serious nature, involving repeated sexual assault, criminal intimidation and digital exploitation of the prosecutrix over an extended period of time.

21. It is submitted that the investigation has revealed that the petitioner not only blackmailed the prosecutrix by threatening to make her objectionable photos viral but also recorded intimate videos using a hidden camera, without her knowledge or consent. The transmission of such a video to the sister-in-law of the prosecutrix has been confirmed through forensic analysis of the petitioner's phone by FSL, Rohini.

22. The learned APP further submits that the testimony of PW-1,2 & 3 support the stand of the prosecution and corroborate with the story of the prosecution. To conclude, he submits that 3 public witnesses, who are the brothers of the victim, are yet to be examined and therefore considering the gravity of the offences, the petitioner may not be realeased on Regular Bail.



2025:DHC:3459



23. Having heard the learned counsels for the parties and meticulously examined the record, the material placed on record, at this stage, discloses serious allegations against the petitioner. The case of the prosecution is that the petitioner is alleged to have sexually exploited the prosecutrix over a period of time and obtained her photographs under false pretences, blackmailed her with digitally manipulated images, coerced her into repeated sexual acts, and ultimately disseminated an obscene video without her consent.

24. As regards the presence of the prosecutrix during the present proceedings, the records reflect that she was duly intimated regarding the present bail application and appeared on two occasions, including the one time when she was represented by an advocate.

25. Significantly, the FSL report confirms that an obscene video titled “VID-20240118-WA0003.mp4” was transmitted by the petitioner to the sister-in-law of the prosecutrix. As per the status report, more gravely, the forensic analysis suggests that the said video was recorded using a concealed device, indicating absence of knowledge or consent on the part of the prosecutrix. Although the petitioner has sought to portray the relationship as consensual, the manner of recording and transmission of the alleged video, coupled with the demand for money and the prosecutrix’s consistent statements, *prima facie* supports the prosecution version.

26. In the present case, the apprehension expressed by the learned APP is that the petitioner may influence the remaining material witnesses is justified, especially in light of the digital reach



2025:DHC:3459



demonstrated by the petitioner. The plea taken by the petitioner that the relationship between the petitioner and the prosecutrix was consensual and the chats between them on Whatsapp were innocent chats are a matter of trial.

27. Similarly, the plea regarding a delay in the registration of the FIR and the explanation given by the prosecution are again a matter of trial. In view of the material on record, specifically the statement of PW-3, who is the prosecutrix's sister-in-law (Bhabhi), the nature of the recording, as evidenced by the hidden camera, and its subsequent circulation to PW-3, *prima facie*, reflect a deliberate act intended to coerce or threaten the prosecutrix. This act of dissemination to a family member is, in itself, indicative of *malafide* intent and suggests an element of exploitation. Consequently, the plea of consensual relationship, as raised by the petitioner, is a matter that requires deeper scrutiny during the trial and cannot be adjudicated conclusively at the stage of bail.

28. In view of the nature of the allegations, the material on record, the prosecutrix's statements, and the supporting forensic evidence, this Court is not inclined to enlarge the petitioner on bail at this stage.

29. In light of the foregoing discussion, the application for grant of regular bail is dismissed. However, the petitioner shall be at liberty to move a successive bail application when there is material change in the circumstances.



2025:DHC:3459



30. It is clarified that the observations made herein are only for the purposes of adjudication of the present bail application, and shall not influence the merits of the trial in any manner.

SHALINDER KAUR, J

MAY 6, 2025/FRK

Click here to check corrigendum, if any