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

+ **BAIL APPLN. 2142/2025**

RAVINDER KUMAR

.....Petitioner

Through: Mr.Prashant Yadav and Ms.Laxmi
Gaur, Advocates

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr.Sanjeev Sabharwal, APP for the
State alongwith SI Savita, P.S.-Prasad
Nagar and SI Soni, P.S.-Nabi Karim
Mr.V. Pasacyat, (DHCLSC),
Advocate for the complainant

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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23.09.2025

1. Claiming that he is falsely implicated in a criminal case *qua* a dispute arising out of consensual relationship, the applicant herein is before this Court seeking regular bail. He has been under continuous incarceration since 21.12.2022, i.e. for approximately 2 years and 8 months, in proceedings arising out of FIR No. 630/2022 dated 19.12.2022 for the alleged offences punishable under Sections 376, 379, 506, 34 of the IPC, registered at Police Station Prasad Nagar.
2. Per FIR, on 21.06.2022, complainant/prosecutrix got to know applicant who in turn is a friend of her another friend namely Neelam. They celebrated Holi with the applicant. On the same day, Neelam and the applicant went to Haridwar. About 8-10 days later, the applicant came to the



complainant's house in an intoxicated state and proposed marriage, asserting that he wanted to spend his life with her and pressuring her into physical relations under the pretext of marriage. Subsequently, the applicant had physical relations with the complainant multiple times and stayed at her house. He also took approximately Rs. 2 lakhs from the complainant, threatened to kill her and her daughter while under the influence of alcohol, and took obscene photographs of her on his mobile phone.

2.1 Thereafter, on 29.11.2022, the complainant discovered that she was pregnant. When she informed the applicant, he provided her with an abortion pill, which she took the same day, leading her to visit Sir Ganga Ram Hospital on 07.12.2022. As the pain persisted, she was admitted to RML Hospital on 08.12.2022, initially accompanied by the applicant, who later abandoned her. The complainant underwent a procedure and was discharged on 10.12.2022. Upon returning home, she found her belongings scattered and missing, including a purse containing two gold rings, two ATM cards (Bank of Baroda & SBI), some foreign currency, Rs. 53,000, a Bank of India FD, and a PNB ATM card.

2.2 Repeated attempts to contact the applicant failed, as he blocked her on Facebook, Instagram, and WhatsApp. Later applicant's brother Naveen told the prosecutrix that the applicant was in jail and Naveen did not anything about the relationship between two of them. Naveen also threatened her to stay quiet. The thus complainant stated that the applicant had lured her into physical relations under the promise of marriage and had threatened her along with the other co-accused Naveen, his brother. The investigation ensued and applicant was arrested.

3. In the aforesaid backdrop, I have heard the rival contentions and



perused the case file.

4. Learned counsel for the applicant would *inter alia* argue on the lines of grounds pleaded in the petition as below:-

4.1 That the applicant is falsely implicated in the present FIR, which is evident from a bare perusal of the FIR itself. He would contend that the FIR was registered with an inordinate delay of about 10 days. That the call records of the prosecutrix attached with the chargesheet show that she contacted the police toll-free number 18001802200 on 10.12.2022, followed by calls from PCR and ASI Pramod Kumar. Despite these communications, the FIR was only registered on 19.12.2022, reflecting inordinate delay and raising doubts about the veracity of the allegations.

4.2 That the prosecutrix herself works in films and holds the position of Woman State President at the National Anti-Crime & Human Rights Force. He would argue that even after the first incident of threatening her and her sister, she chose not to lodge any complaint, which casts further doubt on the allegations. That the prosecutrix is a major, bold, independent woman of 37 years, with sound mind and political background as a Congress politician. He would thus contend that given her age, background, and awareness, there is no question of anyone being able to coerce her into a physical relationship and that she was fully aware that the applicant is married with two children.

4.3 That the prosecutrix's check-up documents from Sir Ganga Ram and Ram Manohar Lohiya hospitals mention her husband's name "Binder," which has no relevance to the applicant. He would argue that her refusal to undergo any medical examination raises serious doubts regarding the story narrated in the FIR. That the prosecutrix explicitly declined internal/physical examination stating that more than 48 hours had elapsed, which undermines



the credibility of the allegations.

4.4 That the applicant and the prosecutrix were well-acquainted and maintained a friendly relationship, including travel to Haridwar. He would submit that the prosecutrix demanded money from the applicant, which he refused, leading to false implication in the FIR. That the relationship between them was entirely consensual, and the prosecutrix became pregnant by another man. He would contend that no recovery has been made by the police at the instance of the applicant, which negates the allegations of theft.

4.5 That the prosecutrix, during her chief examination recorded on 25.01.2024, admitted to having shifted to Mumbai. He would argue that neither the applicant nor any of her friends or relatives know her address, eliminating the possibility of tampering with evidence or influencing witnesses. Only the prosecutrix, police witnesses, and doctors remain in the case; no other public witness is present. Contradictions exist between her statements under Sections 161 and 164 Cr.P.C. and her examination-in-chief and cross-examination, which have not been properly appreciated by the learned trial court.

4.6 That the learned trial court dismissed the applicant's earlier bail application on 22.04.2025 on the ground of serious allegations. However, there is no possibility of the applicant pressurizing or threatening any witness, as all remaining witnesses are police personnel.

5. Opposing the above submissions, the learned APP for the State argues that the same is *sans* merit and the applicant is not entitled to any relief at this stage, as there remains a genuine risk of him absconding, influencing or intimidating witnesses, and tampering with crucial evidence. He would thus, submit that the instant application deserves to be dismissed.



6. Having heard, I am of the view that there may be some substance in certain arguments addressed on merits by the learned counsel for the applicant but the same are a matter of trial. However, at this stage, in light thereof, and other reasons stated here after, it is a case for bail.

7. *Prima facie*, the prosecution's case appears to rest solely on the statement of the star witness/prosecutrix, however, nothing incriminating has been recovered from the applicant, nor has any other evidence been placed on record. It is further noted that the complainant is a 37-year-old woman of sound mind, bold and independent, and a politician associated with the Congress Party. Considering her age, background, and experience, including being born and raised in a metropolitan city and having resided abroad, it is highly improbable that anyone could have induced her into a physical relationship under the circumstances, as alleged.

8. Their acquaintance (applicant and prosecutrix) involved friendly relations and co-travels, subsequently of course, there are allegations that the applicant refused monetary demands. While applicant claims that her pregnancy was by another man. Apparently, even the medical records mention name of the husband "Binder," which is unrelated to the applicant, and victim's refusal of medical examination casts a doubt on the prosecution version.

9. No recovery supports the theft charge levelled on the applicant. Further, the contradictions in her statements, and there is absence of independent witnesses.

10. Be that as it may, all that is matter of trial. Suffice, at this stage, that applicant deserves to be enlarges on bail during pendency of the trial.

11. The applicant has already remained in custody for approximately than



2 years and 8 months and the trial is moving at a snail's pace, thus, further continued incarceration would serve no useful purpose, especially when the trial is not likely to conclude in the near future as it violates the fundamental rule i.e. bail is the rule and jail an exception.

12. As regards the apprehension of tampering with evidence or influencing or intimidating the witnesses, there is nothing on record to support such apprehension, which appears unfounded.

13. The applicant has been in custody since 21.12.2022, has cooperated throughout the investigation, and only formal witnesses are yet to be examined, coupled with the fact that there is nothing to suggest that he would abscond, interfere with evidence, or influence witnesses.

14. Moreover, as per the nominal roll dated 12.08.2025, the applicant was released on interim bail during which no misconduct was reported and given that the overall conduct of the applicant has been satisfactory, he is thus, entitled to concession of bail.

15. One of the primary objects of bail is to secure the presence of the accused during trial. Considering that the applicant has no criminal antecedents, poses no flight risk thus, continued detention may amount to punishment before conviction, at this stage.

16. As an upshot and taking a wholesome view of the matter, I am of the view that it is a case of bail.

17. Thus, the applicant is directed to be released on bail on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court/Duty Court.

18. In addition to the usual conditions, the learned Trial Court shall take a



specific undertaking from the applicant that during the pendency of the trial, he shall not visit Mumbai without permission of the Court since the prosecutrix is stated to be a resident of Mumbai and has expressed apprehension that he may try to contact her or personally meet her in order to intimidate or otherwise influence or induce her into not pressing her charges against him.

19. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same.

20. Accordingly, the bail application, alongwith pending application, stands disposed of.

ARUN MONGA, J

SEPTEMBER 23, 2025/dy