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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2154/2025 & CRL.M.A. 26874/2025**
GAURAV KUMAR PRASAD

.....Petitioner
Through: Mr. Manvendra Verma, Mr. Bankey
Bihari & Mr. Aakash Chaudhary,
Advocates.

versus

STATE-GOVT OF NCT OF DELHI

.....Respondent
Through: Ms. Richa Dhawan, APP for the State
Ms. Tanya Aggarwal, Mr. Krishna
Kumar , Advocates for R-2/Victim.

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

ORDER
10.10.2025

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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 12.04.2024, i.e. more than 1 year and 6 months, in proceedings arising out of FIR No. 168/2024 dated 07.04.2024 for the alleged offences punishable under Sections 376, 420 of the IPC, registered at Police Station Prasad Nagar.
2. The complainant/prosecutrix met the applicant through a matrimonial website in October 2023. They frequently spoke over phone calls and developed a close relationship during which she confided in him about her



family circumstances and her responsibilities towards her mother. The applicant assured her that he would take care of both her and her mother after marriage, claiming that he had lost his own mother during childhood. Subsequently, the applicant travelled to Delhi to meet the complainant, where he allegedly coerced her into physical relations under the false pretext of marriage.

2.1 The applicant further convinced the complainant and her family that his family would visit Delhi in December for formal discussions regarding the marriage. During this period, he projected himself as a well-established professional holding a lucrative position.

2.2 Relying upon his representations, the complainant transferred a sum of ₹6,10,000/- to the applicant and incurred additional expenses on engagement jewellery, clothing, and related items, amounting to a total of approximately ₹6,50,000/-. Thereafter, the applicant began avoiding her calls, citing fabricated health issues and repeatedly cancelling scheduled meetings. Upon verification, the complainant discovered that the applicant was neither employed with HPE nor had the educational or professional credentials he had claimed. Feeling deceived and emotionally exploited, she filed a complaint seeking recovery of her financial losses and initiation of criminal action against the applicant, leading to the registration of the present FIR.

3. Learned counsel for the applicant, while reiterating the grounds raised in the petition, made the following submissions:

3.1 That the allegation of the prosecutrix regarding forced physical relations is false and baseless. The physical relationship between the parties was entirely consensual and was never objected to by the prosecutrix at any



stage. The subsequent allegation of coercion is an afterthought, intended to harass and falsely implicate the applicant.

3.2 That the applicant is in a precarious state of health, suffering from a tumour located at the back of his heart (sub-carinal mass tumour). He underwent Mediastinal Tumour Excision in Bangalore.

3.3 That due to recurrence of the tumour, the applicant continues to suffer from multiple health complications since his surgery in 2021. On these medical grounds, he was granted interim bail by this Court on 13.12.2024.

3.4 That as per the latest medical report dated 17.04.2025, issued by a medical board constituted pursuant to the Court's order dated 08.04.2025, the applicant is suffering from ailments of a serious nature.

3.5 That the charge-sheet has already been filed and the investigation against the applicant stands concluded; hence, his custodial presence is no longer required.

4. In opposition, the learned APP for the State contended that the application is devoid of merit and that the applicant is not entitled to bail at this stage, given the risk of his absconding, influencing or intimidating witnesses, and tampering with vital evidence. Accordingly, it was prayed that the present bail application be dismissed.

5. Having heard learned counsel for both parties and perused the record, this Court finds that while certain arguments advanced by the applicant's counsel may carry some substance, the same pertain to matters of trial. Nevertheless, for the reasons detailed below, the applicant deserves consideration for grant of bail at this stage, particularly in light of his medical issues.

6. The present bail application was previously listed and adjourned twice



to await the testimony of the prosecutrix, in view of apprehensions that the applicant might influence or intimidate her. It is now confirmed that the prosecutrix's testimony stands concluded before the Trial Court. Accordingly, the earlier apprehension no longer survives.

7. Learned counsel for the applicant has drawn my attention to the cross-examination of the prosecutrix, submitting that she has conceded that there is no material evidence to substantiate that the applicant refused marriage after establishing a physical relationship. It is submitted that the applicant remains ready and willing to marry the complainant even today, whereas she is now disinclined. While these submissions are though being noted, but this Court refrains from commenting on the merits thereof, as such issues fall within the purview of the trial court. Suffice it to state that, at this stage, the applicant is entitled to bail.

8. Moreover, the applicant has already been in custody for more than one year and six months. The trial is progressing slowly, and continued incarceration serves no useful purpose, especially since the charge-sheet stands filed and the trial is unlikely to conclude soon. It is a settled principle that bail is the rule and jail is the exception.

9. As regards the apprehension of tampering with evidence or influencing witnesses, there is nothing on record to substantiate such fears, which appear unfounded.

10. The primary object of bail is to ensure the presence of the accused during trial. Considering that the applicant has no prior criminal antecedents and poses no flight risk, further detention would amount to punishment before conviction.

11. As an upshot and taking a wholesome view of the matter, 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.

12. 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.

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

ARUN MONGA, J

OCTOBER 10, 2025/rs/nk