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

+ **BAIL APPLN. 2137/2024&CRL.M.A. 18422/2024**

SONU KAUSHIK

.....Petitioner

Through: Mr.Harsh Vardhan Sharma, Mr.Neeraj Kumar, Mr.Harsh Saini, Mr.Vishal Singh and Mr.Raj Kamal, Advocates

versus

STATE OF NCT

.....Respondent

Through: Mr.Sanjeev Sabharwal, APP for the State with Ms.Mansi Sharma, Advocate alongwith SI Kavita, P.S.- Govindpuri
Ms.Anupradha Singh, Advocate for the complainant

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

05.05.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 438 read with Section 482 of the Cr.P.C. seeks anticipatory bail in case FIR No. 327/2024, under Section 376 of the IPC, registered at P.S. Govind Puri.
3. The present FIR was registered on the complaint dated 31.05.2024 on the statement of the survivor, who alleged that she had met the applicant in January, 2022, while she was working at Taj India Resort, Lajpat Nagar. It is alleged that the applicant started approaching her for friendship on which she denied his proposals on account of being from different religions. It is further alleged that the applicant did not stop and in September, 2022, he took her to



Downtown Hotel, Kalkaji, where he made physical relations with her on the pretext of marriage and he promised her to marry in future. It is further alleged that she was forcefully asked to convert her religion from being a Muslim to be a Hindu in March, 2024, after which they got married in Arya Samaj Mandir in Saket on 13.03.2024. It is the case of the survivor that on 11.04.2024, the applicant left home without any information and came back on 15.04.2024. It is alleged that on 18.04.2024, she received a notice of an annulling petition filed on behalf of the applicant and on 10.05.2024, the applicant left again without any information and blocked her from every social media website. Subsequently, the present FIR was registered under Section 376 IPC.

4. Learned counsel for the applicant submits that the applicant had legally married the survivor at the Arya Samaj Mandir, which is an admitted fact. It is submitted that in fact, after the marriage, the survivor alongwith her family members, were pressurizing the applicant to convert his religion and become a Muslim and also arranged a “*nikah*”, to be held on 15.04.2024, for which, e-marriage card had also been prepared, which is annexed with the present application. It is submitted that after receiving the invitation of the said “*nikah*”, the applicant had filed the present petition for annulment of their marriage.

5. *Per contra*, learned counsel for the complainant submits that filing of the annulling petition itself reflects that the pre-marital relations was on account of false promise of marriage. It is submitted that the aforesaid “*nikah*” was being conducted with the consent of the applicant and there was no pressure mounted by the family members of the survivor on him to convert his religion.



6. Learned APP for the State, on instructions of the Investigating Officer, submits that the investigation is complete. The applicant had cooperated in the investigation and the chargesheet stands filed. It is further pointed out that the matter is listed before the learned Trial Court at the stage of the consideration on point of the charge.
7. Admittedly, the applicant and the survivor, after solemnizing marriage at Arya Samaj Mandir, lived together as husband and wife. The allegations and the counter-allegations made on behalf of the parties in the present FIR are a matter of trial. The investigation stands complete. The matter is listed before the learned Trial Court at the stage of the consideration on point of the charge.
8. In totality of the facts and circumstances of the case, the present application is allowed. In the event of arrest, the applicant is directed to be released on bail on his furnishing personal bond of Rs. 25,000/- with one surety of like amount to the satisfaction of the learned Trial Court/Link Court/Investigating Officer/Arresting Officer, further subject to following conditions:
 - i. The applicant shall not leave the country without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant shall join investigation as and when called by the Investigating Officer concerned.



v. The applicant will not try to influence the witnesses in any manner.

vi. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.

9. The application is allowed and disposed of accordingly.

10. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.

11. Pending applications, if any, also stand disposed of.

12. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MAY 5, 2025

dy/pr

[Click here to check corrigendum, if any](#)