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

+ **BAIL APPLN. 2505/2025 & CRL.M.A. 19630/2025**

MANOJ KUMAR

.....Petitioner

Through: Ms. Shivangi Sharma, Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Mukesh Kumar, APP for the State.

W/SI Neelsee, PS: Nabi Karim.

Mr. Deepak Joshi, Mr. Ravi Joshi and Ms. Saumya Sharma, Advocates for Complainant.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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01.09.2025

1. The present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 438 of the Code of Criminal Procedure, 1973²), seeks pre-arrest bail in relation to case FIR No. 302/2025 dated 1st July, 2025, registered under Sections 376, 354C, 328 and 506 of the Indian Penal Code, 1860³ at P.S. Nabi Karim, Delhi.

2. The facts of the case, in brief, are as follows:

2.1. The victim alleges that she came in contact with the Applicant

¹ "BNSS"

² "CrPC"

³ "IPC"



through the social media platform 'TikTok' in March 2020. Over time, they developed familiarity and began conversing regularly. On 28th November, 2020, while visiting her sister's residence in Delhi, she was contacted by the Applicant, who proposed to meet her. The following day, on 29th November, 2020, they met at the New Delhi Railway Station, from where the Applicant took her to a hotel at Paharganj, Delhi. It is alleged that, while at the said hotel, the Applicant administered an intoxicating substance to the prosecutrix through water, causing her to lose consciousness. Taking advantage of her condition, the Applicant is alleged to have committed rape upon her.

2.2. The prosecutrix has further alleged that the Applicant recorded an obscene video of the incident and subsequently blackmailed her with the same, demanding a sum of INR 10,00,000/- and threatening to disclose the video to her husband and circulate it on social media. She further alleged that the Applicant continued harassing her and even sent certain messages to her husband. On 12th January, 2025, the Applicant visited her residence, in her husband's absence, and again established physical relations with her, under threat of disclosing the video. On her husband's return, she narrated the entire incident to him. Even thereafter, the Applicant continued threatening her over the phone and even uploaded some of her photos and recordings on Instagram using the account ID 'yuvaan078'.

2.3. On 13th April, 2025, prior to registration of the present FIR, the Applicant himself lodged a complaint against the Prosecutrix at P.S. Kapashera, alleging extortion, intimidation, harassment, and filing of false charges. The said complaint is still pending inquiry.

2.4. On the basis of the complaint filed by the Prosecutrix, on 23rd June,



2025, a zero FIR bearing No. 02/2025 was registered at Sonipat, Haryana, which got converted into FIR No. 302/2025 dated 1st July, 2025, at P.S. Nabi Karim, Delhi.

2.5. During investigation, the Prosecutrix underwent medical examination on 2nd July, 2025. However, she declined internal medical examination and was counselled at the Sakhi One Stop Centre, Dr. RML Hospital, Delhi. In furtherance of the investigation, the statement of the Prosecutrix was got recorded under Section 183 of BNSS, wherein she again supported the version of the prosecution and a site plan was also prepared at her instance. A request has been sent to obtain the CDR of the mobile numbers of both the Prosecutrix and the Applicant. Further, the Investigating Officer issued a notice under Section 94 of BNSS to Hotel Shanti Plaza, Paharganj, Delhi, and in response, the hotel confirmed that both the Prosecutrix and the Applicant had stayed there on 29th November, 2020.

2.6. On 8th July, 2025, the Applicant approached the Sessions Court seeking pre-arrest bail, but his application was dismissed. Thereafter, on 10th July, 2025, the Applicant was granted interim protection by this Court subject to conditions, including joining the investigation.

2.7. In compliance with the aforementioned directions, the Applicant appeared before the Investigating Officer on 11th July, 2025. Upon appearance, his potency test was conducted at Dr. RML Hospital, Delhi and the mobile phones of both the Applicant and the Prosecutrix were seized. Prior to the seizure, the hard copies of certain Instagram and Facebook chats were also placed on record. Both the seized phones have been sent to FSL for forensic examination, and the report is awaited.

2.8. After completion of investigation, a chargesheet was filed before the



Court on 26th August, 2025.

3. Counsel for the Applicant states that in compliance with the directions issued by this Court *vide* order dated 10th July, 2025, the Applicant has joined and cooperated with the investigation. As of now, the chargesheet has been filed, and the investigation stands completed. Therefore, the custody of the Applicant is no longer necessary. Nonetheless, the Applicant undertakes to remain available for any further investigation.

4. On the other hand, Mr. Mukesh Kumar, APP for the State and Mr. Deepak Joshi, counsel for the Prosecutrix, jointly oppose the present application. They contend that the allegations are grave and serious in nature and that there exists a substantial risk of the Applicant absconding if not arrested. Mr. Joshi further submits that the Prosecutrix has a genuine apprehension of continued harassment, pointing to the Applicant's alleged past conduct of circulating her pictures to family members and demanding money.

5. The Court has considered the aforementioned submissions. The allegations against the Applicant are grave, involving rape under intoxication, taking obscene videos, intimidation and extortion against the Applicant. However, it is pertinent to note that the alleged incident of 29th November, 2020, involving the alleged administration of an intoxicating substance and subsequent sexual assault, was followed by the lodging of the FIR only in 2025, after a delay of nearly five years. Such a prolonged lapse, unaccompanied by any contemporaneous complaint to the police or other authority, is a circumstance that cannot be ignored in evaluating whether the custodial interrogation of the Applicant is warranted at this stage. While delay in reporting sexual offences cannot, by itself, efface the allegations, it



nonetheless assumes importance in the context of a pre-arrest bail application where the Court is required to weigh the reasonableness of request for custodial interrogation.

6. Further, a *prima facie* examination of the material suggests some doubt on the prosecution's version. The FIR itself refers to a relationship between the parties commencing in 2020 and continuing over several years. Despite alleging sustained blackmail and intimidation during this period, the prosecutrix did not approach any authority or seek protection until 2025. This prolonged silence, despite allegations of sustained threats and even purported dissemination of objectionable material, calls into question the immediacy and consistency of the prosecutrix's narrative.

7. Further, it is observed that the Applicant himself had also lodged a complaint dated 13th April, 2025, prior to the registration of the FIR by the Prosecutrix, alleging extortion, intimidation, harassment, and false accusations, which remains under investigation. The existence of such competing allegations reflects the contentious nature of the dispute, necessitating a cautious and balanced approach at this stage.

8. At this juncture, custodial interrogation appears neither necessary nor justified, particularly in view of the conclusion of investigation and the filing of the chargesheet. It is a settled law, through a consistent line of Supreme Court decisions, that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.⁴ The Applicant's consistent cooperation and readiness to be available for further proceedings

⁴ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



substantially mitigate the risk of absconding. While the apprehensions of the victim regarding continued harassment merit due consideration, such concerns can be effectively addressed by imposing stringent conditions.

9. Having regard to the aforementioned facts and submissions, it is directed that in the event of arrest, the Applicant is directed to be released on bail on furnishing a bail bond for a sum of INR 25,000/- with two sureties of the like amount subject to the satisfaction of the concerned SHO, subject to the following conditions:

- a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicant shall, under no circumstance, leave the boundaries of NCT of Delhi, without informing the IO/SHO concerned;
- c. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- d. The Applicant shall not contact the victim or any of her family members;
- e. The Applicant shall not reside within 5 km radius of the residence of the victim and shall also furnish proof of his residence to the concerned IO. The Applicant shall also not move in the vicinity of the victim in any manner.
- f. The Applicant shall not commit any offence during the period of his custody;
- g. The Applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;



10. In the event of there being any FIR / DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
11. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.
12. Accordingly, disposed of along with pending application(s).

SANJEEV NARULA, J

SEPTEMBER 1, 2025/d.negi