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

+ **BAIL APPLN. 2831/2025**

MOHIT SINGHAL

.....Petitioner

Through: Mr.Amit Chadha, Sr. Advocate with
Mr.Jugal Bagga, Mr.Atin Chadha,
Mrs. Munisha Chadha, Mr.Harjas
Singh, Mr.Dhruv Tomar and
Mr.Eeshaan Singh, Advocates

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms.Richa Dhawan, APP for the State
alongwith SI Buglesh, P.S.-
Mansarovar Park and ASI Usha, P.S.-
Jyoti Nagar
Mr.Kumar Piyush Pushkar and
Mr.Viaks Pal, Advocates for
complainant alongwith complainant

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

24.09.2025

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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 27.12.2022, i.e. for about 2 years and 8 months. He is under trial in proceedings arising out of FIR No. 534/2022 dated 22.12.2022 for the alleged offences punishable under Sections 376/384/420/493/494 of the IPC, registered at Police Station Mansarovar Park.

2. Per FIR, the complainant, a private tutor, stated that she lost her

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husband in 2021 and received a substantial insurance amount against his death. Her family encouraged her to remarry and she created a profile on a matrimonial website where she connected with Mohit Singhal (accused/applicant).

2.1. Mohit Singhal presented himself as a divorced orthopedic surgeon building his own hospital. The complaint narrates that Mohit Singhal, under the pretext of needing money for his hospital construction, emotionally blackmailed and coerced her into transferring a total of Rs. 80,50,000/- to his bank account between January and May 2022. He promised to marry her and even performed a 'roka' ceremony. That Mohit Singhal and his accomplices lured.

2.1 The complainant states that the accused physically and mentally exploited her multiple times despite her refusal. She states that she was led to believe a marriage ceremony had taken place, but later she discovered it was a fake ceremony designed to deceive her. The complainant also alleges that Mohit Singhal's wife, a friend named Rinku, and another friend named Imran were involved in this scheme. It is also alleged that Rinku gave her a fraudulent check for Rs. 8,00,000 that bounced due to a forged signature.

2.2 The complainant also states that she has received threats and intimidation from the accused and his associates to prevent her from going to the police.

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, earlier also, the applicant preferred a bail application before this



Hon'ble Court, which was dismissed vide order dated 26.09.2024. However, till the said time, the cross examination of the Prosecutrix had not completed, which has now concluded.

4.2 That the conduct of the Prosecutrix clearly shows the fact that all she is concerned is about the receiving of the money from the Applicant and only when she was unable to get the money by other means, she levelled allegations involving section 420, 376 and various other provisions of the IPC against the Accused. It is further submitted that all the allegations of forceful sexual assault on the Prosecutrix by the Applicant/accused are false, baseless and a product of afterthought.

4.3 That the allegations against the Applicant pertain to the period from December 2021 to May 2022, however, the FIR was got registered by the Prosecutrix on 22.12.2022. The reason given by the Prosecutrix in her cross examination for the late registration of the FIR is that she was under threat and that her mother was unwell because of which she could not gather the courage to lodge the FIR. However, it is a matter of record that the Prosecutrix had entered into a notarized agreement dated 09.06.2022 with the Applicant/accused running into two pages. A perusal of the said agreement would reveal that it is the prosecutrix, who bought the stamp paper for the same and a bare perusal of the contents of the said agreement, prima facie, show as to how the Applicant herein was made to sign the same under the threat of legal consequences.

4.4 That it is submitted that the Prosecutrix herself, in the FIR, at the end has calculated the amount to be Rs. 86 lakhs, after adding interest@ 18% p.a. on the amount of Rs. 80.50 lakhs.

4.5 That the Prosecutrix has admitted that before the registration of the



present FIR, the Accused/Applicant had returned Rs. 5 lakhs to her and given her cheques, and qua which, she had already filed cases u/s 138 NI Act. She further admits that she remained in contact with the Accused after 05.12.2022, when the alleged first incident of rape happened. She further admitted that she had checked the background of the Accused before the said transfer of money for the first time on 04.01.2022.

4.6 That the entering of agreement by the Prosecutrix with the Accused, lodging of cases u/s 138 NI Act and lodging of complaint before PS Birsak:, all before lodging of the present FIR are clear proof of the facts that after the financial relations went south between the Accused and the Prosecutrix, she had left no stone unturned to recover the said money, while in the process giving threats of legal consequences as well, but, when she was unable to get the money, she resorted to filing the present FIR involving allegations of forceful sexual intercourse.

4.7 That further, it also belies her stand that she did not lodge the present FIR earlier because she was under threat and that she could not gather the courage to lodge the FIR as the copy of the Complaint filed by the Prosecutrix u/s 138 NI Act clearly reveals that she was visiting her Counsel on various dates and hence was under no threat.

4.8 That it is submitted that the present case is a classic example of the abuse and misuse of the process of law and using the provisions of criminal law and that too of section 376 for converting a purely civil dispute into a criminal one.

4.9 That in the recent case of ***Rakesh S/o Vishram vs. State of Rajasthan*** decided on 13.01.2023, the Jaipur Bench of the Hon'ble High Court of Rajasthan was pleased to enlarge the Accused/Applicant on regular bail in



case u/s 376(2)(n) IPC because, inter alia, no reason was given by the Prosecutrix for the inordinate delay in lodging the FIR and because the trial was likely to take a long time.

4.10 That in the case of **Beerbal Prasad Rajoriya vs. State of Madhya Pradesh** being **Crl. Appeal no. 1446/2022**, the Hon'ble Supreme Court was pleased to enlarge the Accused on anticipatory bail in case u/s 376(2)(n) IPC because, inter alia, as per the contents of the FIR, the incident in question had occurred five months before the FIR was lodged.

4.11 That in the case of **Kalyan Chandra Sarkar vs. Rajesh Ranjan AIR 2005 SC 921**, the Hon'ble Supreme Court has held as under:

" ... But even persons accused of non bailable offences are entitled for bail if the court concerned comes to the conclusion that the prosecution has failed to establish a prima facie case against him and/or if the court is satisfied for reasons to be recorded that in spite of the existence of prima facie case there is a need to release such persons on bail where fact situations require it to do so. In that process a person whose application for enlargement on bail is once rejected is not precluded from filing a subsequent application for grant of bail if there is a change in the fact situation. In such cases if the circumstances then prevailing requires that such persons to be released on bail, in spite of his earlier applications being rejected, the courts can do so. The principles of res judicata and such analogous principles although are not applicable in a criminal proceeding, but the courts are bound by the doctrine of judicial discipline having regard to the hierarchical system prevailing in our country ... "

4.12 That in the case of Shridhar s/o **Ningappa Saravand vs The State Of Karnataka**, being Crl LP. No. 100025/2025, decided on 29.01.2025, wherein the FIR was u/s Sections 363, 366, 109 and 376(2)(n) read with 34



of IPC and Sections 4, 6 and 17 of POCSO, the Hon'ble High Court of Kamataka while considering the judgments of the Hon'ble Supreme Court in the cases of *Deshraj @ Musa vs. State of Rajasthan 2024 SCC OnLine SC 2709* and *Sanjay Chandra v. Central Bureau of Investigation 2012 (1) SCC 49*, granted regular bail to the Accused.

4.13 That it is submitted that the father of the Accused/ Applicant is a person of old age being 64 years and has been suffering from various old age ailments and has already undergone bypass surgery. Further, the Applicant/Accused has a wife and a minor child, who are solely dependent on the Accused/ Applicant for their financial as well as other requirements.

4.14 That it is submitted that till now, only 4 witnesses have been examined so far and the conclusion of the trial is likely to take a long time. It is however pertinent to mention herein that the cross examination of the Prosecutrix has been duly concluded.

4.15 That it is submitted that the Accused was arrested on 27.12.2022 and has been in custody since then and keeping in view of the period already been spent by him in Judicial Custody, no useful purpose would be served to detaining him any further.

4.16 That the Applicant has been falsely implicated in the present case as the Prosecutrix and the Applicant had trade relationship, wherein the prosecutrix, being a mature lady, after considering all the pros and cons, had invested her money on interest @ 18% as well as certain ownership rights in the hospital which is clear from the fact that the Prosecutrix herself, in the FIR, at the end has calculated the amount to be Rs. 86 lakhs, after adding interest @ 18% p.a. on the amount of Rs. 80.50 lakhs.

4.17 Further, the Applicant has already returned Rs. 5 lakhs to the



Complainant/Prosecutrix.

4.18 That the Ld. Trial Court failed to consider the fact that the conduct of the Prosecutrix clearly shows the fact that all she is concerned is about the receiving of the money from the Applicant and only when she was unable to get the money by other means, she levelled allegations involving section 420, 376 and various other provisions of the IPC against the Accused.

4.19 That the Ld. Trial Court failed to consider the fact that the reason given by the Prosecutrix for the late registration of the FIR, in her cross examination is that she was under threat and that her mother was unwell because of which she could not gather the courage to lodge the FIR. However, it is a matter of record that the Prosecutrix had entered into an agreement dated 09.06.2022 with the Accused under threat of legal consequences and had also visited her counsel on 10.06.2022 and visited the Court on 19.07.2022 for filing the cases u/s 138 NI Act as well as a complaint with PS Birsak, NOIDA.

4.20 That the Ld. Trial Court failed to consider the fact that the prosecutrix has admitted that she had checked the background of the Accused before the said transfer of money for the first time on 04.01.2022 and as such all the allegations in the FIR that she came to know later on that he was already married or that he was not a doctor are nothing but blatant lies.

4.21 That the present case is a classic example of the abuse and misuse of the process of law and using the provisions of criminal law and that too of section 376 for converting a purely civil dispute into a criminal one.

4.22 That the father of the Accused/Applicant is a person of old age being 66 years and has been suffering from various old age ailments.

4.23 That the petitioner is the sole bread earner for his family having a



wife and a small child and is a respectable person of the society also having deep roots in the society and hence there is no chance of his absconding or fleeing from justice.

4.24 That till now, only 4 witnesses have been examined so far and the conclusion of the trial is likely to take a long time. However, the cross examination of the Prosecutrix has been duly concluded.

4.25 That the adjudication of the instant case, before the Ld. Trial Court will take a sufficient long with which will adversely affect the life of the petitioner.

4.26 That the Accused was arrested on 27.12.2022 and has been in custody since then then and keeping in view of the period already been spent by him in Judicial Custody, no useful purpose would be served to detaining him any further.

5. Opposing the above submissions, the learned APP for the State argues that the application 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.

5.1 She further states that the CDR analysis confirmed continuous communication between the complainant and the accused during the relevant period and collected evidence including bank records whatsapp chats matrimonial site profiles, photographs of the Roka ceremony and documents of the purported Surajpur marriage corroborates the complaint 's version. Moreover, she states that cheques issued by the accused towards repayment were dishonored, leading the complainant to also file cases u/s 138 NI Act.



5.2 Learned APP would also submit that during investigation it was also found that accused Mohit Singhal contacted another woman on a website and got married to her in Ghaziabad UP on 12.05.2022, marriage registration certificate and other documents have been verified.

5.3 The accused repeatedly established sexual relations forcefully with the complainant against her will on the false promise of marriage. He blackmailed her with threats of making private photographic, and has played an active role in cheating sexual exploitation and financial fraud.

6. Supporting the arguments advanced by learned APP for the State, learned counsel for the complainant also opposes the present bail application and cites the following judgments:-

- i. Kundan Singh vs. The Superintendent of CGST and Central Excise, Special Leave to Appeal (crl.) No. 9111/2025
- ii. X vs. State of Rajasthan & Anr., SLP (crl.) No. 13378/2024
- iii. Gajanan Dattatray Gore vs. The State of Maharashtra & Anr., CrI.A. No. 3219/2025.

7. Having heard and perused the case file, 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.

8. The allegations of cheating etc. are a matter of trial. Suffice at this stage, that given the pace of the trial coupled with the fact that the financial transactions which ensued out of the relationship between the two, do not appear to be under any coercion or duress as is borne out from the testimony of the prosecutrix herself wherein she has stated that the remittance was



made by her after checking the viability of the project i.e. to set up a hospital coupled with the background of the accused and on the assurance that he would give a return of 18% on the proposed investment.

9. *Qua* the financial transactions, it is borne out that when the prosecutrix backed out from the proposed investment, the applicant had issued a cheque of Rs.1 crore. Proceedings under Section 138 of NI Act are going on. As regards the financial part, I am of the view that prosecutrix is already taking recourse to the legal remedy for recovery of her money and that cannot be a ground to deny bail as is being argued by learned APP for the State.

10. Be that as it may, since the applicant has said that in order to establish his *bona fide* that he did not intend to cheat the prosecutrix, he has already paid a sum of Rs.5,00,000/- and he unconditionally offers another Rs.8,00,000/- which he has been able to muster or a borrowing from his family. A Demand Draft of the said amount has been handed over the learned counsel for the prosecutrix in course of hearing, who shall pass the same to the prosecutrix.

11. It is made clear that the money already paid i.e. Rs.5,00,000/- + Rs.8,00,000/- =Rs.13,00,000/- is in addition to what is otherwise recoverable from the applicant, if any, subject to the outcome of the proceedings under Section 138 of NI Act, and shall not be factored towards the dishonour of the cheque.

12. 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.

13. Taking a wholesome view of the matter, given that the applicant has been under incarceration for more than 2 years and 8 months and on the other hand, though, it is debatable whether or not ingredients of Section 376 IPC are attracted in view of the conceded position that at one stage, the relationship was consensual, though, it is alleged to having based on misrepresentation by the applicant calling himself to be a physician on the divorcee matrimony website pursuant to which the complainant got misled into establishing contact with him and the subsequent relationship.

14. The applicant has been in custody since 27.12.2022, 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.

15. As regards the apprehension of the prosecution that the applicant may abscond from the pending trial proceedings, I am of the view that apart from the other usual conditions, the learned Trial Court shall make the applicant furnish apart from his personal bond, two equivalent sureties of the like amount along with an undertaking that he shall not leave the territorial jurisdiction of Delhi-NCR, without prior permission of the learned Trial Court and in addition thereof, in case he has a valid passport the same shall also be surrendered before the learned Trial Court.

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 apart from his personal bond, two equivalent sureties of the like amount to the satisfaction of the Trial Court/Duty Judge concerned as the case may be



along with an undertaking that he shall not leave the territorial jurisdiction of Delhi-NCR, without prior permission of the learned Trial Court and in addition thereof, in case he has a valid passport the same shall also be surrendered before the learned Trial Court. He be remained bound by the other usual conditions to be imposed by the learned Trial Court/Duty Court.

18. 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.

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

ARUN MONGA, J

SEPTEMBER 24, 2025/dy