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

+ **BAIL APPLN. 3111/2025 & CRL.M.A. 24160/2025, CRL.M.(BAIL)
1741/2025**
PAVAN MISHRAPetitioner

Through: Mr. Priyam Kaushik, Mr. Harshith
Pottangi and Ms. Aashi Arora,
Advocates.

versus

STATE OF NCT OF DELHI & ANR.Respondents
Through: Mr. Hemant Mehla, APP for the
State.
SI Monu Kumari and SI Teena.
Mr. Sayed Saif Ali Jafri, Advocate for
Complainant.
Complainant through VC.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
19.09.2025

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1. The present application filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of
Criminal Procedure, 1973²) seeks regular bail in proceedings arising from
FIR No. 759/2024 registered under Sections 376/506 of the Indian Penal
Code, 1860³ at P.S. Dabri.

2. The case of the prosecution is as follows:

2.1 On 21st November 2024, the subject FIR was registered on the

¹ "BNSS"

² "Cr.P.C."



complaint of “P”, aged 24 years, against the Applicant, Pavan Mishra. The complainant stated that on 29th January, 2024, during her niece’s birthday celebration, she met the accused, who showed her a video of her bathing and threatened to make it public if she did not comply with his demands. Nonetheless, they remained in contact, and in February, 2024, he invited her to his brother’s wedding in Lucknow, where he took her to his sister’s house and forcibly engaged in sexual intercourse with her. Subsequently, he made her stay in a hotel (Trivedi) in Lucknow and assaulted her again. In March 2024, he called her to a hotel in Janakpuri, where he sexually assaulted her once again. Thereafter, posing as her employer before her father and claiming he was facing certain problems, he began staying at her house, where he again had sexual intercourse with her under the false promise of marriage. He would also click photographs of her and would coerce her into sending selfies. She later conceived as a result of their relationship. On learning of this, the Applicant insisted on an abortion, but the complainant refused. Subsequently, he gave her some pills under the pretext of treating vomiting, which instead caused heavy bleeding and resulted in the termination of the pregnancy. The Applicant and his family, despite knowledge of the situation, declined to proceed with marriage and on 7th November, 2024, he and his sister physically assaulted the complainant. The last act of sexual assault occurred on 25th October, 2024 at her residence.

2.2. On 21st November, 2024, the Applicant was arrested. His mobile phone was seized and his medical examination was conducted. He was thereafter sent to judicial custody. The father of the victim was also examined, and his statement under Section 180 BNSS was recorded,

³ “IPC”



corroborating the complainant's version. On 12th December, 2024, the accused moved a bail application before the Sessions Court, which was dismissed on 19th December, 2024.

2.3. Notices were issued to BM Gupta Hospital, DDU Hospital, Trivedi Hotel (Lucknow) and Royal Residency Hotel (East Janakpuri) to obtain treatment records concerning the victim's abortion and hotel records relating to the accused and the victim. The verified treatment records, along with the consent form, and the hotel records were collected and taken into possession. Subsequently, notices were served upon Richa Mishra, the sister of the Applicant, who joined the investigation; her interrogation report was prepared and she was bound down. After completion of investigation, a chargesheet under Sections 376/506 IPC was filed before the Court and charges have been framed.

3. Counsel for the Applicant argues that the parties were in a consensual relationship, as evidenced by the complainant's continued interaction with the applicant. Her willingness to meet him on several occasions despite the allegations of sexual assault, clearly reveal a case of false implication. The chargesheet has already been filed, and no further investigation is required, making the continued custody of the Applicant unnecessary. It is further pointed out that there is a delay of approximately nine months in filing the FIR from the date of the first alleged incident, and the complainant's statement under Section 183 BNSS show material improvements regarding the incident on 29th January, 2024. No photographs/videos as alleged by the complainant were recovered from the mobile phone of the Applicant. In addition, the FSL report of the mobile phone seized during investigation has been delayed, and the phone itself remains in custody, preventing any



possibility of tampering with evidence or influencing witnesses. The Applicant has no prior criminal antecedents and has already undergone incarceration for a period of nine months and sixteen days. In view of the above, it is submitted that the Applicant ought to be released on bail.

4. On the other, Mr. Hemant Mehla, APP for the State, and Counsel for the complainant, oppose the bail application on multiple grounds. They submit that the Applicant is implicated in a serious offence under Section 376 IPC, involving repeated acts of sexual assault. The FSL report of the mobile phone seized from the Applicant is still awaited, and it is noted that the phone had been completely wiped, raising suspicion and highlighting the possibility of destruction of crucial evidence. The statements of the complainant are consistent, providing a coherent account of the incidents. The Medical records discovered during investigation confirm that the complainant conceived as a result of the relationship between the parties and subsequently suffered a miscarriage. It is further contended that the complainant attempted to commit suicide on 5th November, 2024, following the Applicant's refusal to marry her. In light of these circumstances, the FIR was registered on 21st November, 2024, and any apparent delay is explained by the Applicant's repeated false assurances of marriage, which misled the complainant.

5. The Court has considered the facts and the submissions advanced. It is well established through catena of judgments by the Supreme Court 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

6. The first alleged incident, as per the prosecution, occurred in February 2024, whereas the FIR was registered only on 21st November 2024, nearly 9 months later. The record further indicates that the Complainant and the Applicant continued to remain in contact and cohabitation for a considerable period following the alleged incidents. While the law recognises that delay in reporting sexual offences may be explained by factors such as trauma, fear, or societal pressure, the prolonged and unexplained delay in the facts of the present case, coupled with the apparent consensual association between the parties, *prima facie* affects the evidentiary weight of the allegations at the stage of considering bail.

7. Furthermore, *prima facie*, there appears to be an improvement between the initial complaint/FIR and, the subsequent statements under Section 183 BNSS and the statement made to the doctor in the MLC, regarding the circumstances of the first meeting and the alleged blackmail employed by the Applicant. While in the complaint/FIR, the Complainant described a general interaction where the Applicant asked for her number and later invited her to a function, in her later statement under Section 183 BNSS, she introduced specific allegations of blackmail through compromising videos. The veracity of these allegations and the significance of such variations in the narrative are matters to be adjudicated during trial. Nonetheless, these inconsistencies, at this stage, *prima facie* weigh in favour of granting bail to the Applicant.

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



8. The mobile phone of the Applicant has been seized and sent for forensic examination. Although, the FSL report is awaited, admittedly, a *prima facie* examination indicates that no videos or photographs of the complainant were found on the device.

9. The Court is apprised that the hotel records of Trivedi Hotel, Lucknow, disclose that the complainant and the Applicant checked in together. The records *prima facie* indicate that the parties voluntarily stayed together at the hotel.

10. It is noted that the chargesheet has already been filed and charges have been framed. The investigation stands completed, and no further custodial interrogation is required. As per the nominal roll, the Applicant has undergone 9 Months, 16 Days in custody as on 6th September, 2025, and his conduct in jail is satisfactory. Further, there are no criminal antecedents or pending cases against the Applicant.

11. In view of the foregoing discussion, and without commenting on the merits of the case, this Court is of the opinion that the Applicant has made out a case for grant of bail. The material on record, the prolonged and unexplained delay in lodging of the FIR, absence of corroborative evidence at this stage and the nature of the association between the parties, cumulatively weigh in favour of granting bail.

12. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;



- b. 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;
 - c. The Applicant shall not contact the victim or any of her family members;
 - d. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
 - e. The Applicant shall appear before the Trial Court as and when directed;
 - f. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
 - g. The Applicant shall not reside within 3 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.
 - h. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
 - i. The Applicant shall report to the concerned P.S. on the first Friday of every month;
13. 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.
14. 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.

15. The bail application is allowed in the afore-mentioned terms.

SEPTEMBER 19, 2025
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SANJEEV NARULA, J