



2025:DHC:10504



\$~5 (25.11.2025)

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

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Date of Decision: November 26, 2025+ **BAIL APPLN. 3290/2025****KSHITZ SOLANKI**

.....Petitioner

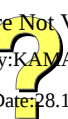
Through: Mr. Neeraj Shekhar, Mr.
Saroj Singh, Mrs. Kshama
Sharma, Ms. Alankrit
Singh, Ms. Avi Sahai &
Mr. Ujjwal Ashutosh,
Adv. (through VC)

versus

THE STATE GOVT OF NCT OF DELHIRespondentThrough: Mr. Sunil Kumar Gautam,
APP for the State
SI Jyoti, PS- Burari
Ms. Manvi Gupta, Adv.
for victim (through VC)**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J.**

1. This matter was fixed for 25.11.2025 but is taken up today, that is, 26.11.2025 due to declaration of holiday on 25.11.2025 on occasion of 350th anniversary of 'Guru Teg Bahadur's Martyrdom Day'.

2. The present application is filed seeking regular bail in FIR No. 239/2025 dated 02.04.2025, registered at Police Station Burari, for the offences under Sections 69, 308(2) and 351(2) of the Bharatiya Nyaya Sanhita, 2023.





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3. Succinctly stated, the complainant submitted a written complaint alleging that the applicant approached her by taking her mobile number from her online resume posted on “*Job Hai*” portal. The applicant portrayed himself to be the owner of an educational company and claimed that he has a vacancy for a personal secretary in his office and offered the complainant the job for a remuneration of Rs. 40,000/- per month. The parties met on 06.03.2025 and started conversing *via* chats, calls and video calls, etc. Allegedly, on 06.03.2025, the applicant made false promises to get the complainant an MBBS Degree and stated that the seat for the medical course would be made available for Rs. 80 lakhs, which the applicant promised to pay.

4. It is further alleged that on 12.03.2025, the applicant established physical relations with the complainant on the false pretext of marriage and by making false promises to get her an MBBS Degree. Thereafter, the applicant started making monetary demands and the complainant was forced to transfer Rs. 5,000/- to him. However, when the complainant refused to heed to his demands to pay an additional Rs. 70,000/-, the applicant threatened to kill the complainant as well as her mother and also threatened to circulate her certain private/obscene photographs and videos, which were captured/recorded without the consent of the complainant. It is further alleged that when the complainant was attempting to delete her photographs and videos from the mobile phone of the applicant, she also saw videos and photos of many other girls saved in his phone.



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5. This led to the registration of the present FIR against the applicant, who was arrested on 03.04.2025 and has since been in custody.

6. After conclusion of the investigation, the chargesheet was filed under sections 69, 308(2), and 351(2) of the BNS, on 29.04.2025.

7. The first bail application of the applicant was dismissed *vide* order dated 08.05.2025 and the second bail application was withdrawn by the applicant on 05.07.2025.

8. The third Bail application was also dismissed *vide* order dated 07.08.2025, by the learned ASJ, on the grounds that, *firstly*, the accused was found previously involved in the offence of similar nature; *Secondly*, certain obscene videos and photographs of the prosecutrix were also found in the mobile phone of the applicant, which was sent for FSL and the report of FSL is still pending; *Thirdly*, examination of the prosecutrix was yet to be completed and there were also public witnesses are yet to be examined.

9. It is submitted by the learned counsel for the applicant that the applicant is innocent and has not committed any offence. It is argued that the applicant and the complainant were in a consensual relationship and had mutually decided to marry on 18.03.2025, however, due to logistical delays, the applicant requested for more time, which the complainant perceived as reluctance, prompting her to file a false complaint. It is further submitted that the applicant is still ready to marry the complainant.





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10. He submits that all the videos and photographs of the complainant were taken with her consent and the applicant never threatened to circulate them. He further submitted that the complainant was not even eligible to pursue an MBBS degree and the allegation of establishing of relations on the said pretext is implausible.

11. He submits that the investigation already stands completed. He submits that some of the material witnesses have already been examined and the evidence of the prosecutrix has been deferred after part examination solely for want of FSL, whereby no purpose will be served by subjecting the applicant to undergo further incarceration.

12. *Per contra*, the application has been opposed by the learned Additional Public Prosecutor for State as well as the learned counsel for the complainant on the ground that the allegations against the applicant are serious in nature and that the applicant has physically and mentally assaulted the victim.

13. They submit that the applicant has been found previously involved in a similar case in FIR No. 153/2021, registered at P.S. Gardani Bagh, Bihar, for offences under section 354(D)/354(A)/506 of the Indian Penal Code, 1860 and Sections 8/12 of the Protection of Children against Sexual Offences Act, 2012.

14. They submit that during investigations, two mobile phones were seized from the Petitioner and were sent for FSL as some obscene videos of the complainant were found in the mobile phone of the applicant. The FSL report is awaited.

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15. They submit that only 4 out of 18 witnesses have been examined, and there is every likelihood that the applicant may intimidate the complainant/witnesses, if admitted to bail at this stage.

16. I have heard the counsel and perused the record.

17. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc. However, at the same time, period of incarceration is also a relevant factor that is to be considered.

18. The prosecution alleges that the applicant established sexual relations with the complainant on the false pretext of marriage and further extorted money from her by blackmailing and threatening to circulate certain private photographs and videos of the complainant. It is further alleged that during investigation, certain obscene videos have also been recovered from the mobile phones of the applicant and the FSL report is awaited.

19. The allegations in the present case are helmed on sexual relations being established on the false promise to marry. The applicant maintains that he merely sought some time to consider and arrange the necessary logistics and he is still willing to marry





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the complainant. The duration of the relationship between the parties was short lived. It is neither appropriate nor feasible for the court to draw any conclusion, let alone render any finding, as to whether a promise of marriage was made and if so, if the same was false and in bad faith with no intention of being adhered to when it was given. Such determinations must await a comprehensive assessment and evaluation of evidence to be led by the parties at the trial.

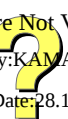
20. Whether the presence of photographs on the applicant's device is indicative of extortion and blackmail can only be ascertained after the evidence is led and is a matter of trial. The complainant is an educated grown up woman and, therefore, the allegation of she allowing the applicant to sexually exploit her on the false pretext of marriage can only be ascertained after the trial.

21. It is not in dispute that the applicant has remained in custody since 03.04.2025 i.e. for about 8 months. The investigation is already complete and the chargesheet has also been filed. It is pointed out that four out of eighteen witnesses have already been examined. While the examination of the complainant is not yet complete, the record indicates that the same has been kept pending for the FSL report.

22. Considering there is no timeline for the FSL report to be provided, the applicant cannot be made to suffer an indefinite incarceration because of the same, particularly when the alleged devices have already been seized and are in the custody of the investigation agency.

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23. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment.

24. Much emphasis has also been placed by the learned APP as well as the counsel for the complainant that the applicant is involved in another case of a similar nature. It is also pointed out that the applicant was already released on bail in the other FIR. Even otherwise, it is well-settled law that criminal antecedents of an accused cannot be the sole basis for refusal of bail [Ref. ***Prabhakar Tewari v. State of U.P. : (2020) 11 SCC 648***].

25. However appropriate conditions ought to be imposed to allay any apprehension of the applicant influencing the witnesses or tampering with the evidence.

26. Considering the above discussion, this Court is of the opinion that the applicant has established a *prima facie* case for grant of bail.

27. In view of the above, the applicant is admitted on bail and is directed to be released on furnishing a personal bond for a sum of ₹20,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. 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. The applicant shall not contact the victim and her family members;



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- b. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
 - c. The applicant shall appear before the learned Trial Court as and when directed;
 - d. 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;
 - e. 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.
28. In the event of there being any FIR/DD entry/complaint lodged against the applicant, it would be open to the respondent to seek redressal by filing an application seeking cancellation of bail.
29. It is clarified that the observations made in the present order are only 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.
30. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

NOVEMBER 26, 2025/“SS”

