



\$~50

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

+ **BAIL APPLN. 3504/2025**

JAHID @ JAHID IDRISHI

.....Petitioner

Through: Mr. Abhik Kumar, Mr. Rahul Raj,
Ms. Shweta Dixit and Mr. Rinku
Mathur, Advocates.

versus

THE STATE (GOVT OF NCT DELHI) AND ANRRespondents

Through: Mr. Hemant Mehla, APP for State
with SI Shalini Juyal, PS-Paharganj.
Complainant in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **12.09.2025**

1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in FIR No. 409/2025 registered under Sections 376(2)(n)/506 of the Indian Penal Code, 1860³ at P.S. Pahar Ganj.

2. Briefly stated, the case of the Prosecution is as follows:

2.1. The aforementioned FIR has been registered pursuant to a complaint made by the Prosecutrix, alleging that she came into contact with the Applicant, who is engaged in the business of sale, purchase, and renting of properties. Over time, a friendship developed between them, during which

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



they exchanged mobile numbers and began communicating with each other on a daily basis. In April 2023, the Applicant allegedly took the Prosecutrix to a hotel in the Paharganj under the pretext of showing her around Delhi. It is alleged that at the hotel, the Applicant forcefully established physical relationships with her and clicked sexually explicit pictures from her phone and later transferred the same to his phone. Subsequently, the Prosecutrix discovered that the Applicant was already married, following which she ceased all communication with him. Thereafter, the Applicant allegedly began calling and messaging her repeatedly, threatening that if she did not resume the relationship, he would circulate her photographs. He is also alleged to have threatened to kill her.

2.2. Pursuant to this complaint, Zero FIR No. 002/2025, was registered at PS DLF PH-3, District Gurugram under Sections 376(2)(n)/506 IPC. The case was subsequently transferred to P.S. Paharganj. Prior to the registration of the regular FIR at PS Paharganj, the Prosecutrix was taken at LHMC Hospital for medical examination; however, she declined internal examination. Nonetheless, in the MLC, the history given by the Prosecutrix corroborates the allegations made of the FIR.

2.3. Subsequently, in her statement recorded under Section 164 Cr.P.C., the Prosecutrix resiled from her earlier version and turned hostile. Thereafter, she also submitted an affidavit to the Investigating Officer⁴ stating that the Applicant had neither made any explicit video nor established any physical relationship with her forcibly or on the pretext of a false promise of marriage.

2.4. The Applicant was arrested on 30th July, 2025, and his mobile phone

⁴ “IO”



was taken in police possession during personal search. The same has been sent for expert opinion.

2.5 The Applicant's previous bail application was dismissed by the Trial Court by order dated 5th August, 2025.

3. Counsel for the Applicant submits that the Applicant has been falsely implicated in the present case. It is contended that the Prosecutrix is a 24-year-old adult woman, who had accompanied the Applicant to the hotel, and established physical relations with him, of her own volition, and with her consent. He further submits that the Prosecutrix has not supported the Prosecution's case in her statement recorded under Section 164 Cr.P.C., and has, in fact, furnished an affidavit to the IO stating that the Applicant neither recorded any obscene video nor established physical relations with her, without her consent. It is also contended that although the Applicant's mobile phone was seized by the police, no obscene video or photograph involving the Prosecutrix was found on the device. Furthermore, the Prosecution has not recovered any incriminating material to support the claim that the Applicant had established any physical relationship with the Prosecutrix under the pretext of a false promise of marriage. Accordingly, it is prayed that the Applicant be enlarged on bail.

4. On the other hand, Mr. Hemant Mehla, APP for the State, opposes the bail application. He submits that the present case involves serious offences of rape and criminal intimidation. He argues that the Applicant, despite being married and having two sons, established physical relations with the Prosecutrix on the false pretext of marriage. However, he fairly concedes that the statement of the Prosecutrix recorded under Section 164 Cr.P.C. does not support the Prosecution's case as originally alleged in the FIR.



5. The Court has considered the submissions advanced by the parties. The present case arises out of a complaint lodged by the Prosecutrix, alleging that the Applicant had forcibly established physical relations with her and had also taken sexually explicit photographs without her consent. However, in her statement recorded under Section 164 of the Cr.P.C., the Prosecutrix has entirely departed from the allegations levelled in the FIR. A copy of this statement of has been handed over across the board, and is taken on record. The Prosecutrix, in her statement, has stated that she was in a relationship with the Applicant, and had established consensual physical relations with him. She further disclosed that certain differences arose between the parties on financial issues, which prompted her to lodge the subject FIR. The Prosecutrix has categorically affirmed that the Applicant had never coerced or forced her into any physical act. She has also unequivocally expressed her intention to withdraw the present case, and has expressed her desire that the Applicant be released from custody.

6. Furthermore, during the course of hearing, the Prosecutrix appeared before the Court in person, and was duly identified by the IO. She categorically stated before the Court that the allegations as recorded in the FIR are incorrect. She submitted that she was in a consensual relationship with the Applicant and that she never intended to lodge the FIR.

7. Having regard to the facts noted above, particularly considering that the Prosecutrix, in her statement recorded under Section 164 Cr.P.C. as well as in her statement before this Court, has unequivocally denied the allegations made in the FIR, and has further categorically stated that she does not oppose the present bail application on any ground, this Court is of the considered view that no purpose would be served by keeping the



Applicant in custody any longer.

8. 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.⁵ Accordingly, in view of the totality of the foregoing facts and circumstances, the Applicant is 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 Prosecutrix 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 Prosecutrix and shall also furnish proof of his residence to the concerned

⁵ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of*



IO. The Applicant shall also not move in the vicinity of the Prosecutrix 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; and

i. The Applicant shall report to the concerned PS on the second and fourth Friday of every month.

9. 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.

10. 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.

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

12. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

SANJEEV NARULA, J

SEPTEMBER 12, 2025

nk

Investigation, (2022) 10 SCC 51.

BAIL APPLN. 3504/2025

Page 6 of 6