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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3594/2025**

YASHWINDER KUMAR

.....Petitioner

Through: Mr. Gautam Narayan, Sr. Adv. with
Mr. Avnish Dave, Mr. Kumar
Prashant, Ms. Mansi Joshi, Advs.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP with W/PSI
Heena, PS V. K. North.
Ms. Seema Kushwaha, Mr. Sameer
Srivastava, Mr. Swaraj Maurya,
Advs. for complainant.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

18.11.2025

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1. The present bail application has been filed on behalf of the petitioner under Section 483 of the BNSS, 2023 [Section 439 Cr.P.C.] seeking regular bail in FIR No. 81/2025 dated 06.02.2025 registered at P.S. Vasant Kunj North under Sections 376/506 IPC.

Brief Facts

2. As per the prosecution version, the complainant ("Y"), aged about 30 years, met the petitioner through a matrimonial website in 2022. Their interaction gradually developed into a relationship, during which the petitioner allegedly proposed marriage.

3. As per the allegations in the FIR, the first incident of sexual assault took place on 01.11.2023, when the complainant/prosecutrix travelled from Madhya Pradesh to Delhi to meet the petitioner at IGI Airport. The petitioner booked a room at Hotel Le Seasons, Mahipalpur, where he



allegedly forcibly established sexual relations on the pretext of marriage, and recorded intimate videos without her consent.

4. The FIR further alleges that the petitioner continued to lure the complainant by repeatedly assuring her that he would marry her, citing emotional distress, which led her to continue associating with him.

5. On the petitioner's insistence, she travelled to Dubai on 22.02.2024 to support him, where he allegedly again forcibly made physical relations with her on the pretext of marriage and recorded nude videos, threatening to circulate them if she resisted. The complainant later got to know that petitioner got married to second wife on 19.01.2024 in Punjab.

6. Thereafter on 05.02.2025, the petitioner returned to India, and on the false pretext of marrying her, again accompanied the complainant to Hotel Le Seasons whereupon the complainant's mother called the police, leading to the petitioner's apprehension. Subsequently, the present FIR was registered against the petitioner. The petitioner has been in judicial custody since 06.02.2025. Upon completion of investigation, the chargesheet was filed under sections 376/506 IPC.

7. The bail applications filed before the Sessions Court were dismissed Court vide order dated 25.04.2025 and 09.07.2025. Feeling aggrieved, the petitioner has filed the present bail application.

Submissions on behalf of the Petitioner

8. Learned Senior Counsel for the petitioner contended that the entire case arises out of a consensual relationship between two adults. The complainant, being a mature and educated woman, repeatedly and voluntarily travelled from Madhya Pradesh to Delhi, and even from India to Dubai, fully aware that the petitioner was a married man. This voluntary



conduct, it is submitted, entirely negates any allegation of coercion or lack of consent.

9. It was further argued that the FIR suffers from gross and unexplained delay, having been lodged almost one year after the first alleged incident. Such delay, coupled with the complainant's continued voluntary association with the petitioner, strongly suggests an afterthought and a motivated version. It is argued that the documents and videos/photographs are produced by the complainant which clearly show that she was in possession of such intimate videos- thereby depicting a consensual relationship, which undermines the prosecution's narrative.

10. Ld. Senior Counsel submitted that the allegations, at their highest, amount to a breach of promise to marry, which does not constitute rape unless it is shown that the promise was false from the inception. These issues, counsel submits, are quintessentially matters for trial and cannot justify continued judicial custody. In support of his argument, reliance is placed on judgment of this Court in ***Sumit V. State NCT of Delhi [BAIL APPLN. 3767/2025]***.

11. It was emphasized that the chargesheet has already been filed, hence custodial interrogation of the petitioner is no longer required. In addition, the petitioner's mobile phone has been seized by the Investigating Officer and therefore the device is already in the exclusive control of the IO. No further recovery is contemplated. The FRRO has already been instructed to keep a lookout for the petitioner, further eliminating the possibility of absconding. Moreover, the petitioner's passport stands seized and is in possession of the IO, thereby negating any apprehension that he may flee from justice. In such circumstances, it is submitted that there exists no ground whatsoever to keep



the petitioner in custody.

12. Counsel highlighted that the petitioner has deep roots in society, has no criminal antecedents, and has been in judicial custody since 06.02.2025. Charges have been finalized and the matter is now listed for further proceedings, with trial yet to commence. Given the stage of the proceedings, prolonged incarceration would be wholly unjustified and would amount to pre-trial punishment.

13. It was therefore urged that continued detention serves no purpose, especially when all relevant material is already before the court, and the petitioner cannot be considered a flight risk. The allegations concern a consensual relationship, and the prosecution's case hinges on issues that can only be adjudicated during trial. The petitioner is thus entitled to bail.

Submissions on behalf of the State

14. *Per contra*, learned APP for the State, assisted by counsel for the complainant, vehemently opposed the application. It is submitted that the FIR and the statement of the prosecutrix under Section 183 BNSS not only disclose repeated acts of sexual assault but also show a pattern of emotional manipulation, deception, and explicit threats of circulating intimate images. It is contended that the petitioner projected himself as a prospective husband, emotionally exploited the complainant and made repeated promises of marriage, solely to obtain her consent for sexual relations.

15. The State submitted that the allegations are grave in nature, involving repeated sexual exploitation and include threats of circulating private videos. The seriousness of the offence and potential apprehension that the petitioner will intimidate the complainant if released on bail are compelling grounds to deny bail to the petitioner.



16. It is argued that the reasons cited by the petitioner regarding delay in lodging FIR, consensual relationship etc. are matters of defence to be tested during trial and cannot justify grant of bail in a serious offence under Section 376 IPC.

Court's Reasoning and Analysis

17. A careful perusal of the record reveals a consistent pattern of alleged deception, manipulation, and inducement on the part of the petitioner. The FIR and the prosecutrix's statement under Section 183 BNSS indicate that the petitioner repeatedly assured her that he would marry her on several occasions, thereby inducing her to engage in a physical relationship. The complainant asserts that the petitioner recorded intimate videos without consent and used those recordings to exert pressure. Such allegations elevate the seriousness of the case beyond a mere misunderstanding between adults and suggest a systematic pattern of exploitation.

18. The petitioner has argued that the complainant voluntarily travelled to Delhi and Dubai and stayed with him, which, according to him, establishes consensual intimacy. However, voluntariness of travel cannot, at this stage, negate the prosecutrix's consistent allegation that every instance of intimacy was founded upon a false promise of marriage.

19. In the present case, the gravamen of the allegations in the FIR is that the petitioner had established physical relations with the prosecutrix/complainant on the false promise of marriage. It is not disputed that the petitioner was already married and again got married for the second time on 19.01.2024. The petitioner knowingly concealed the factum of his marriage from the prosecutrix- which is of considerable relevance and speaks to the ill intent of the petitioner. Despite being aware that marriage



with the prosecutrix could never materialise and is legally impossible, the petitioner made false promises to marry her- suggesting that the promise was not made in good faith. Such facts, if taken at their face value, *prima facie* indicate that the promise of marriage was not made in good faith but was false from inception and employed solely as a means to obtain consent for sexual relations. The alleged promise of marriage on multiple occasions assumes the character of a false representation from the very inception, aimed at misleading and deceiving the prosecutrix into consenting to sexual relations.

20. The Supreme Court, in ***Deepak Gulati v. State of Haryana, (2013) 7 SCC 675***, held that where consent for sexual relations is procured through deception and sustained false assurances, such consent is vitiated under Section 90 IPC. Similarly, in ***Uday v. State of Karnataka, (2003) 4 SCC 46***, the Court held that the question of “misconception of fact” must be approached considering the entire conduct of the accused. Presently, the prosecution’s version raises *prima facie* concerns that the petitioner may have never intended marriage as he was already a married man, and that the promise was allegedly made only to secure sexual favour.

21. In ***Pramod Suryabhan Pawar v. State of Maharashtra, (2019) 9 SCC 608***, the Supreme Court clarified that consent is vitiated if the promise of marriage was false at inception, given in bad faith, and intended solely to obtain sexual favours. The allegations here, *prima facie* satisfy these ingredients. The detailed narration by the prosecutrix of promises, emotional manipulation, and subsequent threats cannot be brushed aside as mere afterthought at this stage.



22. Furthermore, the reliance on judgment of this Court in ***Sumit V. State NCT of Delhi*** (supra) by Ld. Senior counsel of the petitioner is misplaced as the facts of the case are different inasmuch as the accused was not a married man, unlike in the present case.

23. Although the chargesheet has been filed, this alone does not render the petitioner entitled to bail. Courts have consistently held that filing of chargesheet does not dilute the gravity of an offence, particularly under Section 376 IPC- which is an offence punishable with imprisonment for life. The trial is yet to begin and prosecutrix is yet not examined.

24. Considering the nature and gravity of allegations and the possibility of intimidation or influence, this Court finds no ground to grant regular bail to the petitioner at this stage.

25. In view of the foregoing discussion, the bail application is accordingly dismissed.

26. The contentions raised on behalf of the petitioner are left open to be urged at the appropriate stage before the learned Trial Court.

RAVINDER DUDEJA, J

NOVEMBER 18, 2025/AK