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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3658/2025 & CRL.M.A. 28673/2025**
KISHORE RAJPetitioner

Through: Mr. Suraj Prakash Sharma, Advocate.
versus
THE STATE (NCT OF DELHI)Respondent
Through: Mr. Hemant Mehla, APP.
W/SI Saloni, P.S. Anand Parbat.
Mr. Deepanshu Rana and Mr.
Shailendra Kumar, Advocates for
victim with (victim (in-Person)).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **18.11.2025**

1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in the proceedings arising from FIR No. 323/2025 dated 12th July, 2025, registered under Sections 75(2), 79, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023³ at P.S. Anand Parbat, Delhi.
2. The case of the prosecution, in brief, is as follows:
 - 2.1. The victim "P" lodged a complaint alleging sustained harassment, intimidation, and sexual misconduct by the Applicant, Kishor Raj, allegedly aided on some occasions by his family members, Hans Raj, Savitri, Radha, and Rohit. It is alleged that the Applicant frequently visited the complainant's residence without any legitimate reason, publicly insulted her,

¹ "BNSS"

² "CrPC"

³ "BNS"



made unwelcome sexual advances, and threatened her with serious consequences if she refused to maintain a relationship with him. The complainant further stated that the Applicant repeatedly followed her in the market, used vulgar language, once trespassed into her home without permission, attempted to hug her with wrongful intent, slapped her when she resisted, and threatened to kill her children if she raised an alarm.

2.2. In her statement under Section 183 BNSS recorded before the JMFC, Tis Hazari Courts, Delhi, on 14th July, 2025, the complainant elaborated that she had known the Applicant through an acquaintance for several years. She alleged that the Applicant misbehaved with her earlier as well and, during the COVID-19 lockdown period, began visiting her workplace and home. The Applicant allegedly befriended her husband, visited their house during her daughter's birthday in December 2022, intoxicated her husband, and thereafter forcibly established sexual relations with her while recording the act. He thereafter allegedly blackmailed her by threatening to show the video to her husband unless she continued to have sexual relationship with him.

2.3. The complainant further alleged that on 9th February 2025, when she refused to allow the Applicant entry into her house, he assaulted her with fists and an iron object, forcibly had sexual intercourse with her, and removed cash which had been kept for a property transaction, as well as her Scooty. She also stated that repeated complaints to the police were not acted upon, allegedly on account of the Applicant's political connections.

2.4. The Applicant was arrested and, upon completion of investigation, a chargesheet was filed against the Applicant for offences under Sections 75(2), 79, 351(2), 238(b), 3(5) BNS and Section 376 IPC.



3. Counsel for the Applicant, seeking regular bail, advancing the following submissions:

3.1. The Applicant is a law-abiding young citizen with clean antecedents and has been falsely implicated due to personal grudges and a financial dispute. The allegations, as narrated in the FIR and the complainant's statement under Section 183 BNSS, are vague, highly exaggerated, and inherently improbable. The narrative of continuous harassment over a prolonged period, without any contemporaneous complaint, renders the version doubtful and calls for close scrutiny at trial rather than continued pre-trial incarceration.

3.2. There is unexplained and unreasonable delay in lodging the FIR, which is inconsistent with the normal conduct of a person facing such serious harassment and sexual assault. According to the Applicant, this delay, coupled with the admitted financial dealings between the parties, lends credence to the defence that the complainant, who is allegedly indebted to the Applicant, has misused the criminal process to evade repayment and exert pressure, thereby casting a serious shadow over the prosecution story.

3.3. Bearing in mind that the trial is unlikely to conclude in the near future, the Applicant's continued incarceration would be grossly disproportionate. Reliance is placed on the principles under Article 21 of the Constitution and the decisions of the Supreme Court which hold that prolonged pre-trial detention, where the trial is not progressing with reasonable expedition, infringes the right to personal liberty and may itself justify grant of bail.

3.4. The Applicant has strong family and social roots in the community, is



not a flight risk, and has no incentive to abscond. There is no material to suggest that he has attempted to threaten witnesses or tamper with evidence during the investigation. The Applicant undertakes to abide by any conditions that may be imposed, to cooperate with the trial, and to appear regularly before the court. In these circumstances, his continued detention serves no legitimate purpose and that he deserves to be enlarged on bail pending trial.

4. On the other hand, Mr. Hemant Mehla, APP for the State, as well as Mr. Deepanshu Rana, counsel for the victim, oppose the application and submit that the allegations against the Applicant are of a grave and heinous nature. They contend that the complainant's detailed statement under Section 183 BNSS, read together with the medical examination report and other material collected during investigation, prima facie discloses sustained sexual exploitation, physical assault, intimidation, and theft, and clearly points to the Applicant's active involvement. They argue that the complainant has described a pattern of coercive conduct, including alleged sexual assault under threat of disclosure of an intimate recording, which, if accepted even prima facie, attracts the rigours of Section 376 IPC and other serious provisions. The suggestion of false implication on account of a financial dispute, or the naming of family members, is a matter for defence at trial and does not detract from the specific and consistent allegations of sexual violence made against the Applicant releasing the Applicant on bails carries a real risk of intimidation of the complainant and other witnesses, particularly in light of the allegations of prior threats and the local influence of the Applicant. They accordingly emphasised that custodial detention is necessary not only having regard to the gravity of the offence, but also to



safeguard the victim and to ensure that the trial proceeds in a fair and uninfluenced manner.

Analysis

5. The Court has considered the aforementioned contentions. The allegation under Section 376 IPC is undeniably grave and heinous, yet the bail cannot be denied solely on the basis of seriousness of the charge. The Court is required to assess the legal and factual context particular to the case and the accused. At this stage, the Court must keep in view all relevant factors, including whether there exist *prima facie* reasonable grounds to believe that the accused has committed the offence, the nature and gravity of the accusation, the severity of the potential sentence, the risk of the accused absconding if released on bail, the likelihood of repetition of the alleged conduct, and the possibility of interference with witnesses or the course of trial.⁴

6. The complainant's statement under Section 183 BNSS is detailed and, on its face, supports the prosecution case. The other material collected during investigation lend some support to her version. These aspects cannot be brushed aside, particularly in a case involving allegations of sexual violence, where reluctance to report promptly is a recognised reality.

7. At the same time, certain aspects on the record assume relevance for the limited purposes of bail. The alleged acts of sexual assault and coercion are stated to have commenced during the COVID-19 lockdown and to have continued through 2022, whereas the FIR was registered only in 2025. The record before the Court does not indicate any contemporaneous complaint, either to the police or to any other authority, during this extended period.



The explanation for this substantial delay, insofar as it emerges at this stage, is general and will require a deeper evaluation at trial. The prosecution version also refers to an electronic recording said to have been used for blackmail; however, no such recording has been recovered or placed on record so far. The accusations against family members, including an individual who is now deceased, are couched in broad terms and appear, to an extent, omnibus.

8. These aspects when viewed cumulatively, introduce an element of doubt sufficient, at the bail stage, to weigh in the Applicant's favour when the Court is only required to form a *prima facie* view rather than to return a conclusive finding on guilt or innocence. Whether the complainant's explanation for the delay, the absence of electronic evidence, and the allegations regarding financial dealings between the parties undermine or, conversely, are compatible with her version is a matter squarely within the remit of the trial court.

9. At the stage of considering bail, this Court is confined to a limited scrutiny of the material on record and is not expected to test each allegation with the rigour of a full-fledged trial. On a broad and *prima facie* assessment, the complainant's account does furnish a coherent narrative supporting the charge. The record also does not reveal any contemporaneous complaint over a fairly extended period. The history of financial transactions and the sweeping nature of some of the allegations against family members are additional factors that call for a closer examination at trial. Chargesheet stands filed and the investigation stands closed. In this backdrop, the material presently available cannot be said to be so compelling as to require,

⁴ *Prasanta Kumar Sarkar v. Ashis Chatterjee & Anr.* (2010) 14 SCC 496.



as a matter of necessity, the continued incarceration of the Applicant until the conclusion of the proceedings.

10. As per Nominal Roll as on 6th October, 2025, the Applicant has been in custody for 2 months and has no prior criminal antecedents. The settled position of law, as reiterated in a catena of decisions of the Supreme Court, is that the object of bail is neither punitive nor preventive. Its primary purpose is to ensure the presence of the accused during trial and not to inflict pre-trial punishment.⁵ The apprehension expressed by the State and by counsel for the victim, that the Applicant may attempt to intimidate or influence the complainant or other witnesses, is a matter to be taken seriously. However, these concerns can be addressed by imposing strict, conditions that restrain any direct or indirect contact with the complainant and ensure regular supervision by the trial court.

11. Having regard to the totality of the circumstances outlined above, the Applicant is directed to be released on bail on furnishing a personal bond for a sum of INR 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;

⁵ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



- 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 1 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/SO and shall keep his mobile phone switched on at all times.
 - i. The Applicant shall report to the concerned PS on the first Friday of every month. However, he shall not be kept waiting for more than an hour.
12. 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.
13. 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.
14. The application is disposed of along with pending application(s).

SANJEEV NARULA, J

NOVEMBER 18, 2025/as